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AND OTHER NOTED PERSONS

WHO HAVE SUFFERED THE SENTENCE OF THE LAW FOR

CRIMINAL OFFENCES.

Embracing a variety of
CURIOUS AND SINGULAR CASES, ANECDOTES, &c.

WITH OCCASIONAL NOTES:

TO WHICH IS ADDED,
AN ACCOUNT OF THE VARIOUS PUNISHMENTS INFLICTED ON
THOSE WHO TRANSGRESS THE LAWS OF
THEIR COUNTRY;

With a Description of the Crimes by which those punishments are
incurred, &c. alphabetically arranged under appropriate
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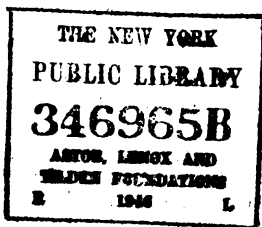
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CRIMINAL OFFENCES,

&c. &c.

ACCOMPLICES.

ACCOMPLICES ought not to suffer so severe a punishment as the immediate perpetrator of the crime ; but this for a different reason. When a number of men unite to run a common risk, the greater the danger the more they endeavour to distribute it equally. Now, if the principals be punished more severely than the accessaries, it will prevent the danger from being equally divided and will increase the difficulty of finding a person to execute the crime, as his danger is greater by the difference of the punishment. There can be but one exception to this rule, and that is, when the principal receives a reward from the accomplices. In that case, as the difference of the danger is compensated, the punishment should be equal. These reflections may appear too refined to those who do not consider, that it is of great importance that the laws should leave the associates as few means as possible of agreeing among themselves.

In some tribunals a pardon is offered to an accomplice in a great crime, if he discover his associates. This expedient has its advantages and disadvantages.

The disadvantages are, that the law authorizes treachery, which is detested even by the villains

Without any certain and fixed principles to guide them, they fluctuate in the vast sea of opinion, and are busy only in escaping the monsters which surround them: to those the present is always embittered by the uncertainty of the future; deprived of the pleasures of tranquility and security, some fleeting moments of happiness, scattered thinly through their wretched lives, console them for the misery of existing. Shall we, among such men, find intrepid soldiers, to defend their king and country? Among such men shall we find incorruptible magistrates, who, with the spirit of freedom and patriotic eloquence, will support and explain the true interest of their sovereign: who, with the tributes, offer up at the throne the love and blessing of the people, and thus bestow on the palaces of the great and the humble cottage peace and security, and to the industrious a prospect of bettering their lot, that useful ferment and vital principle of states.

Who can defend himself from calumny, armed with that impenetrable shield of tyranny, secrecy? What a miserable government must that be where the sovereign suspects an enemy in every subject, and, to secure the tranquillity of the public, is obliged to sacrifice the repose of every individual!

By what arguments is it pretended that *secret accusations* may be justified? The public safety, say they, and the security and maintenance of the established form of government. But what a strange constitution is that where the government, which bath in its favour not only power, but opinion, still more efficacious, yet fear its own subjects?

The indemnity of the informer: Do not the laws defend him sufficiently? and are there subjects more powerful than the laws? *The necessity of protecting*

testing the informer from infamy: Then secret calumny is authorized, and punished only when public. *The nature of the crime:* If actions, indifferent in themselves, or even useful to the public, were called crimes, both the accusation and the trial could never be too secret. But can there be any crime committed against the public which ought not to be *publicly* punished?

Public Accusations, says Montesquieu, are more conformable to the nature of a republic, where zeal for the public good, is the principal passion of a citizen, than of a monarchy, in which this sentiment is very feeble from the nature of the government: the best establishment is that of *Commissioners*, who, in the name of the public, accuse the infractors of the laws. But in all governments, as well in a republic as in a monarchy the punishment due to the crime of which one accuses another, ought to be inflicted on the informer.

Beccaria.

ALFRED'S LAW. See MURDER.

ANECDOTES OF OFFENDERS.

A Canada merchant, who had been accustomed to ship quantities of oil annually to the London market, finding (as indeed almost every merchant experiences) a constant and uniform deficiency in the quantity landed, greatly exceeding what could arise from common leakage, which his correspondents were quite unable to explain; having occasion to visit London, was resolved to see his cargo landed with his own eyes; so as, if possible, to develop a mystery heretofore inexplicable, and by which he had regularly lost a considerable sum for several years. Determined therefore to look sharp after his property,

he was in attendance at the wharf in anxious expectation of a lighter which had been laden with his oil on the preceding day ; and which, for reasons that he could not comprehend, did not get up for many hours after the usual time.

On the arrival at the wharf, the proprietor was confounded to find the whole of his casks stowed in the lighter with their bungs downwards. Being convinced that this was the effect of design, he began now to discover one of the causes at least, of the great losses he had sustained ; he therefore attended the discharge of the lighter until the whole of the casks were removed, when he perceived a great quantity of oil leaked out, and in the hold of the vessel, which the lightermen had the effrontery to insist was their perquisite. The proprietor ordered casks to be brought; and filled no less than nine of them with the oil that had thus leaked out. He then ordered the ceiling of the lighter to be pulled up, and found between her timbers as much as filled five casks more ; thus recovering from a single lighter-load of his property, no less than fourteen casks of oil, that, but for his attendance, would have been appropriated to the use of the lightermen ; who, after attempting to rob him of so valuable a property, complained very bitterly of his ill usage in taking it from them. *Colquhoun.*

The wife of a well known sharper lately upon the town, is said to have appeared at court, dressed in a stile of peculiar elegance, while the Sharper himself is supposed to have gone in the dress of a clergyman. According to the information of a noted receiver, they pilfered to the value of 700*l* on the King's birth-day (1795) without discovery or suspicion. *Ibid.*

An officer of police who waiting the hour of a
noted

noted receiver, in St. James's Street, being taken for a thief by the watchman the latter entered into conversation with him, and naming the receiver, he told the officer that he being very liberal and kind to them, they did not disturb any person going to his house, and if he had any thing to carry there he would slip out of sight, so as to be able to say he had seen nothing. *Ibid.*

In August, 1792, a Jew was ordered to take his trial for a rape, committed on a married woman.—The offence appeared, on examination, to be extremely aggravated.—The Grand Jury however did not find a bill; which was thought a very singular circumstance, as the proof had been so clear before the magistrate.—The reasons were afterwards sufficiently explained; which shew, what corrupt practices, artifices, and frauds will be used to defeat the ends of justice:—In consequence of a previous understanding between the Jew and the husband of the woman who had been so grossly abused, a sum of 20*l.* was left in the hands of a publican, which the prosecutor was to receive if the bill was not found.—In this confidence the woman gave a different evidence from that which she had given before the magistrate.—The Jew, however, cheated both the husband and the wife; for he no sooner discovered that he was safe, than he demanded the money of the publican, and laughed at the prosecutor. *Ibid.*

A merchant of high respectability in Bourdeaux had occasion to visit the metropolis upon commercial business, carrying with him bills and money to a very large amount.

On his arrival at the gates of Paris a genteel looking man opened the door of his carriage, and addressed him to this effect:—Sir, I have been waiting for you some time; according to my notes, you
were

were to arrive at this hour; and your person, your carriage, and your portmanteau, exactly answering the description I hold in my hand, you will permit me to have the honour of conducting you to Monsieur De Sartine.

The gentleman, astonished and alarmed at this interruption, and still more so at hearing the name of the Lieutenant of the Police mentioned, demanded to know what Monsieur De Sartine wanted with him; adding, at the same time, that he never had committed any offence against the laws, and that he could have no right to interrupt or detain him.

The messenger declared himself perfectly ignorant of the cause of the detention: stating at the same time, that when he had conducted him to Mons. De Sartine, he should have executed his orders, which were merely ministerial.

After some further explanation the gentleman permitted the officer to conduct him accordingly. Monsieur De Sartine received him with great politeness; and after requesting him to be seated, to his great astonishment, he described his portmanteau; and told him the exact sum in bills and specie which he had brought with him to Paris, and where he was to lodge, his usual time of going to bed, and a number of other circumstances, which the gentleman had conceived could only be known to himself.—Mons. De Sartine having thus excited attention, put this extraordinary question to him—Sir, are you a man of courage?—The Gentleman, still more astonished at the singularity of such an interrogatory, demanded the reason why he put such a strange question, adding at the same time, no man ever doubted his courage. Monsieur De Sartine replied,—“Sir, you are to be robbed and murdered thi

this night!—If you are a man of courage, you must go to your hotel, and retire to rest at the usual hour: but be careful that you do not fall asleep; neither will it be proper for you to look under the bed, or into any of the closets which are in your bed-chamber; (which he accurately described);—you must place your portmanteau in its usual situation, near your bed, and discover no suspicion:—Leave what remains to me.—If, however, you do not feel your courage sufficient to bear you out, I will procure a person who shall personate you, and go to bed in your stead.”

The Gentleman being convinced, in the course of the conversation, that Monsieur De Sartine's intelligence was accurate in every particular, he refused to be personated, and formed an immediate resolution, literally, to follow the directions he had received: he accordingly went to bed at his usual hour, which was eleven o'clock.—At half past twelve (the time mentioned by Monsieur De Sartine), the door of the bed-chamber burst open, and three men entered with a dark lantern, daggers and pistols.—The Gentleman, who of course was awake, perceived one of them to be his own servant.—They rifled his portmanteau; undisturbed, settled the plan of putting him to death. The Gentleman, hearing all this, and not knowing by what means he was to be rescued, it may naturally be supposed, was under great perturbation of mind during such an awful interval of suspense; when, at the moment the villains were preparing to commit the horrid deed, four Police Officers, acting under Mons. De Sartine's orders, who were concealed under the bed, and in the closet, rushed out and seized the offenders with the property in their possession, and in the act of preparing to commit the murder.

The

The consequence was, that the perpetration of the atrocious deed was prevented, and sufficient evidence obtained to convict the offenders.—Monsieur De Sartine's intelligence enabled him to prevent this horrid offence of robbery and murder; which, but for the accuracy of the system, would probably have been carried into execution. *Ibid.*

The Emperor Joseph the Second, having in the year 1787, formed and promulgated a new Code of Laws relative to criminal and civil offences, and having also established what he conceived to be the best System of Police in Europe, he could scarcely ever forgive the French Nation, in consequence of the accuracy and intelligence of Mons. De Sartine having been found so much superior to his own; notwithstanding the immense pains he had bestowed upon that department of his government.

A very notorious offender, who was a subject of the Emperor, and who committed many atrocious acts of violence and depredation at Vienna, was traced to Paris by the Police established by his Majesty, who ordered his ambassador at the court of France to demand that this delinquent should be delivered up to public justice.

Mons. De Sartine acknowledged to the imperial ambassador, that the person he inquired after had been in Paris; that, if it would be any satisfaction, he could inform him where he had lodged, and the different gaming-tables, and other places of infamous resort, which he frequented while there; but that he was now gone.

The ambassador, after stating the accuracy and correct mode by which the Police of Vienna was conducted, insisted that this offender must still be in Paris; otherwise the Emperor would not have commanded him to make such an application.

Mon-

Monsieur De Sartine smiled at the incredulity of the imperial minister, and made a reply to the following effect:—

“Do me the honour, Sir, to inform the Emperor your master, that the person he looks for left Paris on the 10th day of the last month; and is now lodged in a back room looking into a garden in the third story of a house, number 93, in—— street, in his own capital of Vienna; where his Majesty will, by sending to the spot be sure to find him.”

It was literally as the French Minister of Police had stated. The Emperor, to his astonishment, found the delinquent in the house and apartment described; but he was greatly mortified at this proof of the accuracy of the French police; which, in this instance, in point of intelligence even in Vienna, was discovered to be so much superior to his own.—
Ibid.

APPRENTICES.

The evil habits of masters are in a great degree the means of corrupting apprentices. No sooner does an apprentice advance towards the last year of his time than he thinks it incumbent upon him to follow the example of his master, by learning to smoke. This accomplishment acquired (according to his conception), he is a fit associate for those who frequent Public-houses. He resorts at first to those of a lower class, to avoid his master or his relations. There he meets with depraved company; while he conceives he is following only the example of those whose manners and habits he has been taught, by example, to imitate, he is insensibly ensnared.—Having arrived at the age of puberty, and meeting profligate females in those haunts of idleness, his passions become inflamed.—The force of evil exam-

ple

ple overpowers him.—He too becomes depraved. Money must be procured to administer to the new wants which are generated by depravity.—Aided by the facilities held out by old iron shops, he pilfers from his master to supply those wants, or associates himself with thieves, whose acquaintance he made in the progress of his seduction.

It is to be feared that much evil arises from the want of attention on the part of Masters among the superior classes of Tradesmen with respect to their apprentices, who too seldom consider the morals of their apprentices as a matter in which they have any concern. It is even the practice to allow apprentices a certain sum of money weekly, for the purpose of enabling them to provide themselves out of doors, and to prevent the trouble of boarding them in the house. If it were possible for a master, after exerting all his ingenuity, to invent one mode more likely than another to ruin his apprentices, it is by adopting this plan. If he means to subject himself to great risques with respect to the security of his property, he will permit his apprentice, at the age of puberty when open to seduction, to be at large in this great town, where he is liable to be assailed by swindlers, cheats, and sharpers, who, availing themselves of the inexperience of youth, may corrupt the mind, and give it a wrong bias. The dangers arising from allowing apprentices to victual out of doors, extend much farther than masters are generally aware of: and they who suffer it do great injury to themselves, and even great injustice to their apprentices whose morals they are virtually, at least, bound to preserve pure. This is not to be expected where apprentices are not under the eye of the master at meal-times. Their Sundays, in such cases, are their own, which they waste in idleness, not unseldom in water-parties on the River, where they are introduced into low and bad company

ny, which gives frequently a taint to their manners of the most injurious nature. The result is, that their master, without reflecting that he himself was the cause of their idleness, withdraws his confidence, and turns them adrift after their time expires, if not before: and in the end ruin, as might well be expected, inevitably ensues. *Ibid.*

Another cause of degeneracy among apprentices and youth in general is the love of *private-theatricals*. How many Apprentices, Clerks, Sons, &c. have robbed their masters and fathers for the indulgence of this passion? Some time ago magistrates were assiduous in suppressing this evil, but they are now pleased to connive at this great nursery of vice. *Editor.*

In London private theatres are opened and conducted by needy adventurers, for the reception of infatuated Clerks, Apprentices, &c. who probably might have shone in the respective stations of life for which they were intended, but thus unfortunately are courted to a profession for which they are by no means calculated; for it is well known not one in twenty that belongs to a London private theatre is fit to appear on public boards, both through the want of instruction and imbibing erroneous habits. It is surprising that those learned gentlemen who could see the *impropriety of Opera Dancers* and the *sin of Sunday Newspapers* could not perceive this greatest evil, and have endeavoured to prevent it; an evil which has already brought youth to the gallows! *Therpsian Dictionary.*

ARRESTS FOR FELONY.

The Statue of 5 Edward III. cap. 14, (anno 1332) empowers Constables "to arrest persons suspected of man-slaughter, felonies, and robberies,"

to use force ; nor even then, except where admittance has been demanded and refused.

A Constable, even without any warrant, may break open a door for the purpose of apprehending a felon ; but to justify this measure, he must not only shew that the felon was in the house, but also that access was denied after giving notice that he was a Constable, and demanding admittance in that capacity. In the execution of the warrant of a Magistrate, the Officer is certainly authorized to break open the doors of the felon, or of the house of any person where he is concealed.—The first is lawful under all circumstances ; but forcibly entering the house of a stranger may be considered as a trespass, if the felon should not be there. *Colquhoun.*

ARSON, OR ARSONRY,

A very atrocious offence—it is defined to be the malicious burning of a House of another either by night or by day. It is in this case a capital offence ; but if a man burns his own house, without injuring any other, it is only a misdemeanor, punishable by fine, imprisonment, or the pillory.

By the 23d of Henry the Eighth, cap. 1. the capital part of the offence is extended to persons, whether principals or accessories,) burning dwelling houses ; or barns wherein corn is deposited ; and by the 43d of Elizabeth, cap. 13, burning barns or stacks of corn in the four northern counties, is also made Felony without Benefit of Clergy.

By the 22d and 23d of Car. II. cap. 7, it is made felony to set fire to any stack of corn, hay, or grain ; or other out buildings, or kilns, maliciously, in the night time ; punishable with transportation for seven years.

By

By the 1st George 1. cap. 48, it is also made single felony to set fire to any wood, underwood, or coppice.

Other burnings are made punishable with death, without Benefit of Clergy, viz. Setting fire to any house, barn, or outhouse, or to any hovel, cock, mow, or stack of corn, straw, hay, or wood : or the rescuing any such offender : 9 George I. cap. 22.—Setting fire to a coal-mine : 10 George II. cap. 32. Burning, or setting fire to any wind-mill, water-mill, or other mill ; (as also pulling down the same :) 9 George III. cap. 29 ; but the offender must be prosecuted within eighteen months. Burning any ship ; to the prejudice of the owners, freighters, or underwriters : 22 and 23 Charles II. cap. 11 ; 1 Anne, stat. 2. cap. 9 ; 4 George I. cap. 12. Burning the King's ships of war afloat, or building : or the Dock-yards, or any of the buildings, arsenals, or stores therein : 12 George III. cap. 24. And finally, Threatening by anonymous or fictitious letters to burn houses, barns, &c. is by the Act 27 George II. cap. 15, also made felony without Benefit of Clergy. *Colquhoun.*

ASSASSINATION. See CHAIN, AND MURDER.

ATHENIAN LAW RESPECTING THEFT.

By the Athenian Law, the crime of Theft was punished by paying double the value of what was stolen, to the party robbed ; and as much more to the Public. *Colquhoun.*

ATHENIAN LAW RESPECTING SELF-MURDER.

The Athenian Law ordained that persons guilty of Self Murder should have the hand cut off that did the murder and buried in a place separate from the body : but this seems of little consequence. *Colquhoun*

AUCTIONEERS, DIURNAL, ASSISTED BY BARKERS AND PUFFERS.

These Auctioneers are Swindlers, who take out Licences and open shops in different parts of the Metropolis, with persons at the doors, usually denominated Barkers, inviting strangers to walk in. In these places various articles of silver plate and household goods are exposed to sale, and made up on a slight principle, and of little intrinsic value; associates, generally denominated Puffers, are in waiting to bid up the article to a sum greatly beyond its value, when, upon the first bidding of the stranger, it is knocked down to him, and the money instantly demanded; the goods, however, on being carried home and examined, are generally found to be very different in reality, from what their appearance exhibited, and upon a close examination the fraud is discovered.

Neither the common Law, nor the Act of the 30th George II. cap. 24, seems to be sufficiently broad and explanatory to include this species of offence; and hence it is, that this mode of selling goods continues with impunity, and seems to increase. It is not however, meant here to insinuate that all petty auctions are fraudulent. It is to be hoped there may be some exceptions, although probably, they are not numerous. A licence from a general Board of Police, and to be subject to certain restrictions only burdensome to the dishonest, and obliging the parties to find security, would, in a great measure, regulate this kind of business, in a proper manner. *Colguboun.*

BANISH

BANISHMENT, (MODE OF) IN CHINA.

In China, a person sentenced to Transportation, is led by an officer of justice into the country appointed for his future residence. He carries a mat to serve him as a bed, and a leaf of a palm-tree, to protect him from the weather. Upon his back, his crime, his sentence and his name, are displayed in conspicuous Characters.

This punishment is inflicted on those who have struck an elder brother; who have incurred debts by gaming, which they are unable to pay; and for such other offences as appear to render the perpetrator unworthy to continue in his native country. When offenders are thus conducted into some distant province they are to be recalled; but if into Tartary, their banishment is perpetual. *Punishments of China.*

BANKRUPTS, FRAUDULENT.

The fraudulent Bankrupt should be punished in the same manner with him who adulterates the coin; for to falsify a piece of coin, which is a pledge of the mutual obligations between citizens, is not a greater crime than to violate the obligations themselves. *Beccaria.*

See IMPRISONMENT FOR DEBT.

BASTINADE, OR BASTINADOE.

An offender undergoing the bastinade in China is thrown flat upon his face and held in that position
by

by one, or more if necessary, of the magistrates, attendants kneeling upon his back, whilst another applies the pan-tsee to his posteriors.

The pan-tsee is a thick piece of slit bamboe-cane, the lower end of which is about 4 inches in width and the upper end small and smooth, to render the instrument more convenient for the hand. Mandarins of power have usually some persons in their train, who attend them with these pan-tsees, whenever they travel or go into public, and who are ready at the nod of their masters, to exercise their office in the above mentioned manner. After this ceremony it is customary for the delinquent to return thanks to the mandarin for the good care he takes of his education. *Punishments of China.*

In Turkey and other countries the Bastinadoes are inflicted on the ~~feet~~ back. See PUNISHMENTS, TURKISH.

BEHEADING AT VIENNA.

Four men convicted of robbery aggravated by circumstances of cruelty and inhumanity were sentenced to die at Vienna by the sword of the executioner. They suffered on the Esplanade, without one of the gates of Vienna, upon a circular space or piece of ground walled in, railed twelve or fourteen feet above the level of the Esplanade. In order to have a better view of it, I got into a cart placed near the scaffold, whence I could distinguish even the countenances and features of the criminals.

The first of the four malefactors having been seated in a chair screwed down into the ground, his arms and body were next tied with cords, in order to prevent him from moving, and his neck was laid bare

bare quite to the shoulders. A bandage being drawn across his eye, four Augustine monks with a crucifix approached, and after prayer confessed him. The executioner's assistant then, collecting his hair, pulled up his head with a view to afford a fairer mark. Meanwhile the executioner, who was a very decent man in his figure and dress, arrived in a hackney-coach. When all the requisite preparations were made, he threw off his cloak, and being in his white waistcoat, he unsheathed the instrument of punishment. It was a strait, two-edged sword, of an equal breadth quite to the point, prodigiously heavy, broad, and sharp as a razor. Coming in flank of the criminal, who was blind-folded, and ignorant of the precise moment, he took off the head at one stroke, with a dexterity and celerity exceeding imagination. The assistant held it up streaming with blood, and then laid it down on the ground; while the decapitated trunk was allowed to remain for some seconds in the chair, the blood spouting up at first to the height of three or four feet in the air. Two men next untied the corpse, and taking it by the legs and shoulders, bore it to a little distance. The head was carried with it, and the whole covered with a large mat.

Previous to beheading the second culprit, the chair was wiped clean from the blood with which it had been stained; the ropes were washed, and sand scattered over the place; so that when he was brought up to suffer, no trace of the preceding execution was visible. About half an hour elapsed between their respective deaths; the last three being beheaded with the same dexterity as the first, and with similar circumstances. The velocity with which the sword passed through the neck, and dis severed the head, was such, that the blade scarcely appear-

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ed bloody. After inflicting each stroke, the executioner took out a white handkerchief, and carefully wiped away the globules of blood which stood upon the sword; then sheathed, and laid it down at some paces from the chair, concealed by a cloak. The whole ceremony being ended, he advanced forward, and holding up the instrument of justice immediately after he had taken off the head of the last criminal, he addressed himself to the assembled multitude, demanding whether he had well performed his duty. They signified their approbation, and he then withdrew; while the people, before they dispersed, joined with the monks in prayer for the souls of the departed. The four trunks and heads were exposed during some hours on wheels, to the view of every one, and afterwards interred. *Anon.*

*Different modes of Beheading in different Countries,
and for different Offences.*

In China, persons guilty of Murder are beheaded, except where a person kills his adversary in a duel, in which case he is strangled. Decapitation by the Laws of China is considered the most dishonourable mode of execution. *Colquhoun.*

This sort of punishment being deemed in the highest degree ignominious, is only inflicted for crimes which are regarded by the Chinese government, as the most prejudicial to society, such as conspiracy, assassination, committing any offence against the person of the Emperor or attempting the life of any of the imperial family; revolting, insurrection, striking a parent or any other unnatural crime. The malifactor who is condemned to be beheaded, is made to kneel upon the ground,
the

the band of infamy is taken from his back, and the executioner, by a single blow of a two-handed sword, strikes off his head with great dexterity. These headsmen, and, indeed, the generality of inferior officers of justice in China, are selected from the soldiery according to the custom of primitive barbarians: neither is this employment considered more ignominious than the post of principal officer of executive justice in other countries. Decapitation is held by the Chinese as the most disgraceful kind of death; because the head which is the principal part of a man, is separated from the body, and that body is not consigned to the grave as entire as he received it from his parents. If a great mandarin be convicted of any atrocious offence, he is executed in this manner like the meanest person. After the head is severed it is frequently suspended from a tree, by the side of a public road; the body is thrown into a ditch, the law having deemed it unworthy the respect of regular funeral rites.

When a sentence is submitted to the Emperor for his approbation, if the crime be of the first degree of atrocity, he orders the malefactor to be executed without delay: when it is only of an ordinary nature, he directs that the criminal shall be imprisoned until the autumn, and then executed: a particular day in that season-being allotted for such ceremonies.

The Emperor of China seldom orders a subject to be executed until he has consulted with his first law officers, whether he can avoid it without infringing on the constitution of his realm. He fasts for a certain period previous to signing an order for an execution; and his imperial majesty esteems those years of his reign the most illustrious, and most fortunate,

suffer their women to be seen, if they can avoid it. This miserable state of the natives appears to me to be a sure sign of the poverty of the country.

“ The quadrupeds here are few ; the kangaroo, for a description of which I refer you to Cook’s voyages, is the largest, as far as we know as yet ; the flesh is coarse and lean, and eats somewhat like very coarse mutton ; those that were killed weighed from fifty to hundred pounds, one only excepted, which weighed near two hundred. The opossum is somewhat larger than a cat, and is the next in size, the native dogs excepted, which are of the fox kind ; there are some other quadrupeds not worth mentioning.

“ The feathered creation is by no means so numerous as you may suppose, in a wild and woody country, still they are rare in their kinds ; one ostrich and one *black swan* (the *rara avis* of the ancients) have been killed, and several more seen ; paroquets, loriquets, and all the species of the parrot kind, are very beautiful ; different sorts of small birds, totally unknown in Europe, sing pretty wild notes, and are in general of the woodpecker or flycatcher species.

“ The bays frequented by the natives produce wild spinage, celery, parsley, samphire, and wild beans : some wild grapes have been found in different parts of the country ; and a shrub, that produces small berries, which are as tart as gooseberries, and make as good pies, grows very common on the hills. The country produces various sorts of flowers unknown in England. There are three or four kinds of trees, which are of little use, except for burning ; one only I can except, a species of fur, which may be of use in building, &c. Two very different

different kinds of these trees produce the same sort of red astringent gum, which is used in medicine. A large shrub produces a yellow gum of the *tolu* kind, with which the natives fasten together their weapons, tackles for fishing, &c. and which may be useful in medicine, or for varnish; of these I will collect what I can at my leisure; hitherto I have had hardly time to look round me. You may easily suppose the climate is temperate, when we can live in *marquees* now, being the middle of winter; without fire. The thermometer rose frequently at noon to 90, in the middle of summer, the time we arrived here, and now seldom higher than 60 at noon, and never lower than 35 the coldest night, which is three degrees above the freezing point. The rainy season set in 3 weeks ago; during the whole of which time it has rained incessantly, which we felt the more being obliged to live in *marquees*, as I have already told you, having no huts as yet built for us.

“ Having now given you a sketch of this country, and its productions, I leave you to form your own opinion of it; I shall only venture to say, it will never answer the intentions of government; and I make no doubt but we shall be recalled, which I sincerely wish. His excellency the governor, has set on foot a *brick* manufactory, which succeeds to his wishes, having already burnt several thousand, for his own house. We are all extremely busy in building huts, principally of the cabbage trees, but only two officers are as yet huttet.

“ You expect, perhaps, I will give you some further account of myself and situation here. On this head I can only say, that I am happy in the company of three mess-mates;—no four could be more united, or more agreeable to each other; besides,

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I have

I have enjoyed a tolerable share of good health, thank God, since I left England. Every officer on this settlement is allowed two acres of land, besides a certain space for a garden near his house. Four of us uniting our *estates*, have already sown half an acre of wheat, which, I am told by *my farmer*, promises well. I propose to set a few potatoes next week, which are the produce of some I set on my arrival here, and which answered my expectations.

"I brought six sheep from the Cape, at a great expense, and every one of them is either dead, through the badness of this country, or killed by some villains among the convicts, who, in spite of every punishment that can be inflicted, still persist in their former villainous practises. Four of them have been executed since our arrival here, and three more are likely to suffer the same fate very shortly.

"I forgot to say we had a deal of thunder and lightning, which has done some damage; and a few days ago we had a slight shock of an earthquake; in short, I believe this country to be the outcast of God's works.

"I shall have an opportunity to write again, in the course of two months, by Mr. Sharp, master of the Golden Grove."

"Sydney Cove, July 12, 1788."

To explain some points in the above letter it is necessary to observe, that when we are in the depth of winter in England, it is midsummer in New Holland; and *vice versa*: so that when the fleet arrived in January, at Botany Bay, the weather was excessively hot there; but in July, when the letter was dated, the winter had set in.

Recent accounts from New South Wales have proved that the country was not only capable of improvement,

provement, but that it has fully answered all the purposes of government. Some of the convicts are disposed of in Norfolk Island, but the major part in New South Wales; and though the country, which really bears the name of Botany Bay, has been deserted, yet, when convicts are sentenced to be transported, they are still said to be doomed for Botany Bay. *Editor.*

Norfolk Island is a small fertile spot, containing about 14,000 acres of land, situated about 1,200 miles distant from Sydney Cove, in New South Wales, where the seat of government is fixed.

The number of convicts sent to New South Wales and Norfolk Island, from the year 1787, to that of 1797 inclusive, is as follows:—

	Men and Women.	Children.	Total.
1787	778	17	795
1789	1251	22	1273
1790	2029	9	2038
1791	408	11	419
1794	82	2	84
1795	133	3	136
1796	279	13	292
1797	393	10	403
Total	5765	93	

In twenty-one months after the arrival of the first convicts in May 1788, there were 77 deaths, and 87 births, in the whole settlement. *Colquhoun.*

See TRANSPORTATION.

BRANDING IN THE HAND OR FACE.

One of the several old sanguinary modes of punishment, which, to the honor of humanity, has fallen into disuse. *Colquhoun.*

Person

Persons convicted of manslaughter are sentenced to be branded or burnt in the hand. The prisoner is obliged to stretch his hand out, and a hot iron (made for the purpose) is thereto applied, which leaves an indelible mark : this used to be performed with much severity, but bribery has rendered the punishment very slight. On this account prisoners arraigned for murder are desired to hold up their hand at the bar, as the second offence of manslaughter is punished with death. *Editor.*

According to the criminal code of the Emperor Joseph, II. it was ordained for laying violent hands on the sovereign, whether injury results from it or not, that the delinquent's property should be confiscated, he imprisoned for not less than 30 years, and branded in the cheek, if very atrocious.

In cases where a criminal appears to be remarkably depraved, and that the apprehension he excites requires such precautions, he shall be branded on each cheek with the mark of a gallows, so visibly and strongly impressed as not to be effaced either by time or any other means whatever.

BURGLARY.

This is a felony at common law ; it is described to be when a person, by night, breaketh into the mansion of another, with an intent to commit a felony ; whether the felonious intent be executed or not.

By the 18th of Elizabeth, cap. 7, the benefit of clergy is taken away from the offence ; and by the 3d and 4th William and Mary, cap. 9, from accessories before the fact.—By the 12th of Anne, stat. 1, cap. 7, if any person shall enter into a mansion or dwelling-house by day or by night, without breaking

breaking into the same, with an intent to commit any felony; or being in such house, shall commit any felony; and shall, in the night time, break the said house to get out of the same, he is declared guilty of the offence of burglary, and punished accordingly.

It is, without doubt, highly expedient that this offence should be punished more severely than any other species of theft; since, besides the loss of property, there is something very terrific in the mode of perpetration, which is often productive of dreadful effects.

The ancient laws made a marked distinction in the punishment, between this offence, which was called *Hamsokne*, (and which name it retains at present in the northern part of this kingdom) and robbing a house in the day time.

It is impossible to reflect upon the outrages and acts of violence continually committed, more particularly in and near the metropolis by lawless ravagers of property, and destroyers of lives, in disturbing the peaceful mansion, the castle of every Englishman, and also in abridging the liberty of travelling upon the public highways, without asking—Why are these enormities suffered, in a country where the criminal laws are supposed to have arrived at a greater degree of perfection than any other?

This is an important inquiry, interesting in the highest degree, to every member of the body politic.

If, in pursuing such an inquiry, the situation of Holland, Flanders, and several of the northern states on the continent, be examined, it will be found that this terrific evil had (alluding to these states previous

previous to the present war) there scarcely an existence: and, that the precaution of bolting doors and windows during the night, was even seldom used; although, in these countries, from the opulence of many of the inhabitants, there were great temptations to plunder property.

This security did not proceed from severer punishments, for in very few countries are they more sanguinary than in England.—It is to be attributed to a more correct and energetic system of Police, joined to an early and general attention to the employment, education, and morals of the lower orders of the people; a habit of industry and sobriety is thus acquired, which, universally imbibed in early life, “grows with their growth, and strengthens with their strength.”

Houses, intended to be entered during the night, are previously reconnoitred and examined for days preceding. If one or more of the servants are not already associated with the gang, the most artful means are used to obtain their assistance; and when every previous arrangement is made, the mere operation of robbing a house becomes a matter of little difficulty.

By the connivance and assistance of immediate, or former servants, they are led to the places where the most valuable, as well as the most portable, articles are deposited, and the object is speedily attained.

In this manner do the principal burglars and house-breakers proceed: and let this information serve as a caution to every person in the choice both of their male and female servants; since the latter as well as the former are not seldom accomplices in very atrocious robberies.

It frequently happens that the burglars, make their contracts with the receivers, on the evening before the plunder is obtained ; so as to secure a ready admittance immediately afterwards, and before day-break, for the purpose of effectual concealment by melting plate, obliterating marks, and securing all other articles so as to place them out of the reach of discovery. This has long been reduced to a regular system which is understood and followed as a trade.

Night coaches promote, in an eminent degree, the perpetration of burglaries and other felonies: bribed by a high reward, many hackney-coachmen eagerly enter into the pay of nocturnal depredators, and wait in the neighbourhood until the robbery is completed, and then draw up, at the moment the watchmen are going their rounds, or off their stands, for the purpose of conveying the plunder to the house of the receiver, who is generally waiting the issue of the enterprise. Above one half of the present hackney coachmen, in London, are said to be (in the cant phrase) flashmen designed to assist thieves. *Colquhoun*

BURNING ALIVE,

One of our old sanguinary punishments, now very justly exploded. It was formerly inflicted for heresy ; and during the reign of Queen Mary several pious characters thus suffered at Smithfield for adhering to the dictates of their conscience.

Women, in all cases of treason, used to be burned, having been previously strangled ; but this cruel punishment was repealed by an act passed 30 Geo. III. cap. 48. The strangulation, owing to the fierceness of the flames, was sometimes not effectual.

See

(See HAYES, CATHERINE, vol. I.) The criminal was either fastened to an iron chair, and the cord round her neck pulled with violence by the executioner, or she stood upon a stool, under a gallows, which was so contrived as to slip from under her. *Editor.*

BURNING A MAN'S EYES WITH LIME IN CHINA.

This punishment is performed by putting a small quantity of unslacked lime into pieces of cotton cloth, which is closely applied to the organs of sight. *Punishments in China.*

CAGE. See WOODEN CAGE.

CHAIN, THE.

According to the Imperial code of Joseph II. assassination by stratagem, arms, or poison, was condemnation to the chain for not less than 30 years.

The punishment of the chain is inflicted in the following manner:—the criminal suffers severe imprisonment, and is closely chained, that he has no more liberty than serves for the indispensable motion of his body. Chained criminals suffer corporal punishment once a year, as an example to the public. *Colquhoun.*

In China criminals are, for certain offences, chained to a large block of wood in the following manner:—a strong ring of iron is passed through one corner of a short heavy piece of timber. From this ring a weighty chain is continued round the neck of the man, and fastened by a padlock upon his breast.

For other offences criminals are chained to an iron bar, thus:—the malefactor's neck is encompassed with a very wide cape of iron, which is fitted to his shoulders;

shoulders; his legs are fettered with iron shackles, and from these, as well as from the cape, a few links extend to the bar, which is about half a yard higher than his head. The links sliding upon the bar, accommodate themselves to the motions of the prisoner; the small piece of plank that is attached to the shackles, serves him for a seat. From the top of the bar there depends a little board upon which the name and the crime of the malefactor are inscribed. *Punishments of China.*

CHANCE MEDLEY.

This is Homicide by *necessity* or in *Self-defence*, upon a sudden rencounter, upon which no punishment is inflicted, yet still by strictness of law the goods and chattels of the person charged and convicted are forfeited to the crown; contrary, as it seems to many, to the principles of reason and justice. *Colquhoun.* See MANSLAUGHTER AND MISADVENTURE.

CHEATS.

These are men who *live entirely by their wits*, expert in the tricks of *pricking the belt for a wager*, *dropping the ring*, playing cards, or any other game, and winning by means of accomplices, &c. When these devices become stale, they have then recourse to others more novel and more likely to be effectual in cheating and defrauding the unwary.

One of the most prevailing and successful of these, is the fraud practised upon shopkeepers, tradesmen,

tradesmen, and publicans, and others, by the circulation of forged copper-plate notes and bills for small sums, of 5*l.* and 10*l.* the latter purporting to be drawn, by bankers in the manufacturing and sea-port towns, on different banking-houses in London.

This species of forgery has been carried to a considerable extent; suggested no doubt by the confidence which is established from the extensive circulation of country bankers' notes and bills, now made payable in London; by which the deception is, in some degree, covered and detection rendered more difficult.

The great qualifications, or leading and indispensable attributes of a Cheat, are to possess a genteel exterior, a demeanor apparently artless, and a good address.

Like the more violent depredators upon the public, this class (who are extremely numerous) generally proceed upon a regular system, and study as a trade all those infamous tricks and devices by which the thoughtless, the ignorant, and the honest are defrauded of their property.

The common law has defined the offence of cheating—to be a deceitful practice in defrauding, or endeavouring to defraud, another of his own right, by means of some artful device, contrary to the plain rules of common honesty.

The Statute of the 33d of Henry the Eighth, cap. 1. entered into a more specific explanation of what might constitute such an offence, and fixed the mode of punishment; by declaring “that if any person
“shall falsely or deceitfully obtain, or get into
“his hands or possession, any money, goods, &c.
“of any other person, by colour or means of any
“false privy token, or counterfeit letter, &c.—he
“shall,

“ shall, on conviction, be punished by imprisonment, the pillory, or whipping—saving to the party aggrieved the same power of recovering the property as he might have had at Common Law, &c.”

From this remote period, until the 30th of George the Second, the legislature does not appear to have seen the necessity of enacting any new law, applicable to this species of offence.

In the progress however of society and commerce, joined to the consequent influx of riches, producing luxury and extravagance, a larger field opened for cheats and sharpers of every description ; insomuch, that the evil became so great, and existing laws were found so insufficient, as to render it necessary to provide a legislative remedy.

In applying this remedy, it seems that the great increase of a new species of cheating, practised by persons known in modern times by the name of swindlers, had suggested the propriety of defining the offence, in a more applicable and specific manner, and of rendering the punishment more severe. By the act of 30 Geo. II. cap. 24. it is declared, “ that all persons obtaining money, good, wares, or merchandize, by false pretences, shall be deemed offenders against the law and the public peace ; and the Court, before whom any such offender shall be tried, shall on conviction, order them to be put in the pillory, or publicly whipped, or transported for seven years.”

Thus stand the laws at present with regard to Cheats ; and there appears to be a deficiency in the last mentioned act in omitting to add *bank-notes* after the word *money*, and also *horses, cattle, sheep, or other animals* after *goods, wares and merchandize*, since it has been held that Bank-notes are not money,

ney, nor are horses, cattle, &c. considered as goods, wares, or merchandize, according to the legal construction of any existing statute.* An amendment of the law with regard to them and other objects is the more necessary as, bank-notes and horses are perhaps, more the objects of cheating than other species of property. The laws ought certainly to embrace a wider field so as to reach those artifices by which depraved persons obtain money from the ignorant and unwary, by assuming false characters, taking genteel lodgings and cheating innocent tradesmen who lose large sums annually by such depredations. *Colquhoun.*

On the 22d. of March 1793, a genteel man went into a Jeweller's shop in Conduit-street and saying he was recommended by his friend the Marquis of Salisbury (who actually dealt at that shop) ordered a pair of diamond earrings, a diamond necklace and a gold watch set round with brilliants, to be sent to *Lord Massey*, at half past 4, in St. James's Street. When the articles were brought (which amounted to upwards of 700*l.*) The pretended Lord Massey agreed to take them and presented for payment a draught for 1400*l.* purporting to be drawn by Lord Tankerville on Messrs. Coutts & Co. ban-

* Why should not bank-notes, which are constantly paid as money and can be changed into cash, and why should not horses, cattle, &c. which constitute the livelihood of many and are the instruments of traffic, be considered as *money* and *goods*? The true meaning and not the strict letter of a statute should be considered; otherwise the best formed may be twisted and tortured for the sake of evasion. *Editor.*

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kers. The jeweller entertaining no doubt of the bill, sent his lordship the balance and proper cases for the jewels. Having called soon after, no Lord Massey was to be found, and having visited the bankers, he was informed that Lord Tankerville kept no money at their house. See SHARPFERS.

CHILD STEALING.

This nefarious crime is generally practised by women who pretend a sudden liking to any child they meet with unprotected, and under pretence of buying cakes, &c. delude it to some private place and strip it of all its cloaths.

Children are likewise stolen and detained when very young for the purpose of exciting charity; and it is well known, that these wicked mendicants, lend children to each other on certain conditions. In 1790 a female mendicant was apprehended at Ingatestone, in Essex, with a beautiful child under 2 years of age. Suspicion arising that she was not its mother, but stole it from its real parents, she was taken before the magistrates then attending a petty session, and committed to the house of correction: she confessed that the infant was not hers, but that she had it from a person in Shoreditch, and the object was to excite compassion whilst begging. It was afterwards discovered that the child was stolen, and the till then unhappy parents thus recovered their babe. *Editor.*

CHINESE LAWS.

The Chinese code of penal laws is compiled in such a manner as to have a punishment appropriated for every crime.

The wisdom of the Chinese Legislature is nowhere more conspicuous than in its treatment of robbers, no person being doomed to suffer death for having merely deprived another of some temporal property, provided he neither uses nor carries any offensive weapon. This sagacious edict renders robbery unfrequent; the daring violater of the laws hesitating to take with him those means, which might preserve his own life, or affect that of the plundered, in the event of resistance, generally confines his depredations to acts of private pilfering, and a robbery attended with murder is, of course, very rarely perpetrated. This instance of justice, moderation, and wisdom in the laws of China, receives an unfavourable contrast in the decree, which pronounces the wearing of a particular ornament, to be a capital crime, and in the custom of attending to the fallacious information extorted by the Rack. *Preface to punishments of China.*

By the laws of China, treason and rebellion are punished with a rigor even beyond the severity of our judgments, for the criminals are ordained to be cut in *ten thousand* pieces.

Children cursing or striking their parents was considered as next in atrocity to treason and rebellion, and in like manner punished by cutting the delinquent in *one thousand* pieces *Colguboun*. See **BEHEADING, CHAIN, CORD, TORTURE, &c.**

COINERS.

The crime of coining false money is deemed high treason in the second degree, and justly. To rob
all

all the people is to be a traitor to the state. But it is asked, whether a merchant, who imports ingots of gold from America, and privately converts them into good money, be guilty of high treason and merits death, which is the punishment annexed to this crime in almost all countries? Nevertheless he has robbed nobody; on the contrary, he has done service to the state, by increasing the currency. But he had defrauded the King of the small profit upon the coin. He hath indeed coined money, but he hath led others into the temptation of coining bad. Yet death is a severe punishment. A lawyer was of opinion that such a criminal should be condemned, as a useful hand, to work in the royal Mint, with irons to his legs. *Beccaria*.

The vast increase, and extensive circulation of counterfeit money, particularly of late years, is too obvious not to have attracted the notice of all ranks. It has become an enormous evil in the melancholy catalogue of crimes which the laws of the country are called upon to assist the police in suppressing. Its extent almost exceeds credibility; and the dexterity and ingenuity of these counterfeiters have, (after considerable practice,) enabled them to finish the different kinds of base money in so masterly a manner, that it has become extremely difficult for a common observer to distinguish their spurious manufacture from the worn-out Silver of the mint. So systematic, indeed, has this nefarious traffic become of late, that the great dealers, who, in most instances, are the employers of the coiners, execute orders for the town and country, with the same regularity as manufacturers in fair branches of trade.

Scarcely a waggon or coach departs from the metropolis, which does not carry boxes and parcels of base Coin to the camps, sea-ports, and manufacturing

turing towns. In London, regular markets, in various public and private houses, are held by the principal dealers; where hawkers, pedlars, fraudulent horse-dealers, unlicensed lottery-office-keepers, gamblers at fairs, itinerant Jews, Irish labourers, servants of toll-gatherers, and hackney-coach owners, fraudulent publicans, market-women, rabbit-sellers, fish-cryers, barrow-women, and many who would not be suspected, are regularly supplied with counterfeit copper and silver, with the advantage of nearly 100l. per cent. in their favour; and thus it happens, that through these various channels, the country is deluged with immense quantities of base money, which get into circulation; while an evident diminution of the mint coinage is apparent to every common observer.

It is impossible to reflect on the necessity to which all persons are thus reduced, of receiving and again uttering, money which is known to be false and counterfeit, without lamenting, that by thus familiarizing the mind to fraud and deception, the same laxity of conduct may be introduced into other transactions of life:—The barrier being broken down in one part, the principle of common honesty is infringed upon, and infinite mischief to the very best interests of society, is the result, in cases at first unthought of.

To permit, therefore, the existence of an adulterated and ill-regulated silver and copper coinage, is in fact to tolerate general fraud and deception, to the ultimate loss of many individuals; for the evil must terminate at some period, and then thousands must suffer; with this aggravation, that the longer it continues, the greater will be the loss of property.

Nor has the mischief been confined to the counterfeiting the coin of the realm. The avarice
and

and ingenuity of man is constantly finding out new sources of fraud; insomuch, that in London, and in Birmingham, and its neighbourhood, Louis d'Ors, Half Johannas French half crowns and shillings, as well as several coins of Flanders and Germany, and dollars of excellent workmanship, in exact imitation of the Spanish dollars issued from the Bank, in 1797, have been from time to time counterfeited; apparently without suspicion, that under the act of the 14th Elizabeth, (cap. 3,) the offenders were guilty of misprision of high-treason.

These ingenious miscreants have also extended their iniquitous manufacture to the coins of India; and a coinage of the star pagoda of Arcot was established in London for years by one person. These counterfeits, being made wholly of blanchéd copper, tempered in such a manner as to exhibit, when stamped, the cracks in the edges, which are always to be found on the real Pagoda, cost the maker only three half-pence each, after being double gilt. When finished, they were generally sold to Jews at five shillings a dozen, who disposed of them afterwards at 2s. 3s. or even 5s. each; and through this medium, they have been introduced by a variety of channels into India, where they were mixed with the real Pagodas of the country, and passed at their full denominated value of eight shillings sterling.

The sequins of Turkey, another gold coin, worth about five or six shillings, have in like manner been counterfeited in London;—Thus the national character is wounded, and the disgrace of the British name proclaimed in Asia, and even in the most distant regions in India. Nor can it be sufficiently lamented that persons who consider themselves as
ranking

ranking in superior stations of life, with some pretensions to honour and integrity, have suffered their avarice so far to get the better of their honesty, as to be concerned in this iniquitous traffic.

It has been recently discovered that there are at least 120 persons in the Metropolis and the country, employed principally in coining and selling base money; and this, independent of the numerous horde of utterers, who chiefly support themselves by passing it at its full value.

It will scarcely be credited, that of criminals of this latter class, who have either been detected, prosecuted, or convicted, within the last seven years, there stand upon the register of the Solicitor to the mint, more than 650 names!—And yet the mischief is not diminished. When the reader is informed, that two persons can finish from 200l. to 300l. (nominal value), in base silver in six days; and that three people, within the same period, will stamp the like amount in copper, and takes into the calculation the number of known coiners, the aggregate amount in the course of a year will be found to be immense. *Colquhoun.*

On the circulation of Spanish dollars in 1804 a Jew was apprehended for uttering base ones and also suspected of being the coiner thereof, but there being no provision in the act against counterfeiting this coin, though it had been called in before (1797) on that account the offender escaped with impunity. *Editor.*

So dexterous and skilful have coiners now become that by mixing a certain proportion of pure gold with a compound of base metal, they can fabricate guineas that shall be full weight, and of such perfect workmanship as to elude a discovery, except by persons of skill; while the intrinsic value does not exceed

need thirteen or fourteen shillings, and in some instances is not more than eight or nine. Of this coinage considerable quantities were circulated some years since, bearing the impression of George the Second : and another coinage of counterfeit guineas of the year 1793, bearing the impression of his present Majesty, has been for some years in circulation, finished in a masterly manner, and nearly full weight although the intrinsic value is not above eight shillings : half-guineas are also in circulation of the same coinage ; and lately a good imitation of the seven-shilling pieces. But as the fabrication of such coin requires a greater degree of skill and ingenuity than generally prevails, and also a greater capital than most coiners are able to command, it is to be hoped it has gone to no great extent ; for amidst all the abuses which have prevailed of late years, it is unquestionably true, that the guineas and half-guineas which have been counterfeited in a style to elude detection, have borne no proportion in point of extent to the coinage of base silver. Of this latter there are five different kinds at present counterfeited ; and which we shall proceed to enumerate.

The first of these are denominated flats, from the circumstance of this species of money being cut out of flatted plates, composed of a mixture of silver and blanché copper. The proportion of silver runs from one-fourth to one-third, and in some instances to even one half : the metals are mixed by a chemical preparation, and afterwards rolled by flattening-mills, into the thickness of shillings, half-crowns, or crowns, according to the desire of the parties who bring the copper and silver, which last is generally stolen plate. It is not known, that there are at present above one or two rolling mills in London, although there are several in the country, where all the

the dealers and coiners of this species of base money resort, for the purpose of having these plates prepared; from which, when finished, blanks or round pieces are cut out, of the sizes of the money meant to be counterfeited.

The artisans who stamp or coin these blanks into base money are seldom interested themselves. They generally work as mechanics for the large dealers who employ a capital in the trade; and who furnish the plates, and pay about eight per cent. for the coinage, being at the rate of one penny for each shilling, and twopence-halfpenny for each half-crown.

This operation consists first in turning the blanks in a lathe;—then stamping them, by means of a press, with dies with the exact impression of the coin intended to be imitated: they are afterwards rubbed with sandpaper and cork; then put into aquafortis to bring the silver to the surface; then rubbed with common salt; then with cream of tartar; then warmed in a shovel or similar machine before the fire; and last of all rubbed with blacking, to give the money the appearance of having been in circulation.

All these operations are so quickly performed, that two persons (a man and his wife for instance,) can completely finish to the nominal amount of fifty pounds in shillings and half-crowns in two days, by which they will earn each two guineas a day.

A shilling of this species, which exhibits nearly the appearance of what has been usually called a Birmingham shilling, is intrinsically worth from twopence to fourpence; and crowns and half-crowns are in the same proportion. The quantity made of this sort of counterfeit coinage is very considerable; it requires less ingenuity than any of the other methods

methods of coining, though at the same time it is the most expensive, and of course the least profitable to the dealer; who for the most part disposes of it to the utterers, vulgarly called smashers, at from 28s. to 40s. for a guinea, according to the quality; while these smashers generally manage to utter it again to the full import value.

The second species of counterfeit silver money passes among the dealers by the denomination of plated goods; from the circumstance of the shillings and half-crowns being made of copper of a reduced size, and afterwards plated with silver, so extended as to form a rim round the edge. This coin is afterwards stamped with dies so as to resemble the real coin; and, from the circumstance of the surface being pure silver, is not easily discovered except by ringing the money on a table: but as this species of base money requires a knowledge of plating as well as a great deal of ingenuity, it is of course confined to few hands. It is however extremely profitable to those who carry it on, as it can generally be uttered, without detection, at its full import value.

The third species of base silver-money is called plain goods, and is totally confined to shillings. These are made of copper blanks turned in a lathe, of the exact size of a Birmingham shilling, afterwards silvered over by a particular operation used in colouring metal buttons; they are then rubbed over with cream of tartar and blacking, after which they are fit for circulation.

These shillings do not cost the makers above one halfpenny each: they are sold very low to the smashers or utterers, who pass them where they can, at the full nominal value; and when the silver wears off, which is very soon the case, they are sold to the
Jews

Jews as bad shillings, who generally resell them at a small profit to customers, by whom they are recoloured, and thus soon brought again into circulation. The profit is immense, owing to the trifling value of the materials; but the circulation, on account of the danger of discovery, is to be hoped is not yet very extensive. It is, however, to be remarked, that it is a species of coinage not of a long standing.

The fourth class of counterfeit silver-money is known by the name of castings, or cast goods. This species of work requires great skill and ingenuity, and is therefore confined to few hands; for none but excellent artists can attempt it, with any prospect of great success.

The process is to melt blanchéd copper, and to cast it in moulds, having the impression, and being of the size of a crown, a half-crown, a shilling, or a sixpence, as the case may be; after being removed from the moulds, the money thus formed is cleaned off, and afterwards neatly silvered over by an operation similar to that which takes place in the manufacture of buttons.

The counterfeit money made in imitation of shillings by this process, is generally cast so as to have a crooked appearance; and the deception is so admirable, that although intrinsically not worth one halfpenny, by exhibiting the appearance of a thick crooked shilling, they enter into circulation without suspicion, and are seldom refused while the surface exhibits no part of the copper; and even after this the itinerant Jews will purchase them at threepence each, though six times their intrinsic value, well knowing that they can again be recoloured at the expence of half a farthing, so as to pass without difficulty for their nominal value of twelve pence.—

A vast

A vast number of the sixpences now in circulation is of this species of coinage.

The profit in every view, whether to the original maker, or to the subsequent purchasers (after having lost their colour) is immense.

In fabricating cast money, the workmen are always more secure than where presses and dies are used; because upon the least alarm, and before any officer of justice can have admission, the counterfeits are thrown into the crucible; the moulds are destroyed; and nothing is to be found that can convict, or even criminate, the offender: on this account the present makers of cast money have reigned long, and were they careful and frugal, they might have become extremely rich; but prudence rarely falls to the lot of men who live by acts of criminality.

The fifth and last species of base coin made in imitation of silver money of the realm is called figs, or fig things. It is a very inferior sort of counterfeit money, of which composition, however, a great part of the sixpences now in circulation are made. The proportion of silver is not, generally speaking, of the value of one farthing in half a crown; although there are certainly some exceptions, as counterfeit sixpences have been lately discovered, some with a mixture, and some wholly silver: but even these did not yield the maker less than from 50 to 80 per cent. while the profit on the former is not less than from five hundred to one thousand per cent. and sometimes more.

It is impossible to estimate the amount of this base money which has entered into the circulation of the country during the last twenty years; but it must be very great, since one of the principal coiners of stamped money, who some time since left off business, and made some important discoveries,

acknowledged to the author, that he had coined to the extent of two hundred thousand pounds sterling in counterfeit half-crowns, and other base silver money, in a period of seven years. This is the less surprising, as two persons can stamp and finish to the amount of from 200l. to 300l. a week.

Of the copper money made in imitation of the current coin of the realm, there are many different sorts sold at various prices, according to the size and weight; but in general they may be divided into two kinds, namely, the stamped and the plain halfpence, of both which kind immense quantities have been made in London; and also in Birmingham, Wedgbury, Bilston, and Wolverhampton, &c.

The plain halfpence are generally made at Birmingham; and from their thickness afford a wonderful deception. They are sold, however, by the coiners, to the large dealers, at about a farthing each, or 100 per cent. profit in the tale or aggregate number. These dealers are not the utterers, but sell them again by retail in pieces, or five-shilling papers, at the rate of from 28s. to 31s. for a guinea; not only to the smashers, but also to persons in different trades, as well in the metropolis as in the country towns, who pass them in the course of their business as the full import value.

Farthings are also made in considerable quantities, chiefly in London, but so very thin, that the profit upon this species of coinage is much greater than on the halfpence, though these counterfeits are not now, as formerly, made of base metal. The copper of which they are made is generally pure. The advantage lies in the weight alone, where the coiners, sellers, and utterers, do not obtain less than 800 per cent. A well known coiner has been said
to

to finish from sixty to eighty pounds sterling a week. Of halfpence, two or three persons can stamp and finish to the nominal amount of at least two hundred pounds in six days.

When it is considered that there are seldom less than between forty and fifty coinages or private mints, almost constantly employed in London and in different country towns, in stamping and fabricating base silver and copper money, the evil may justly be said to have arrived at an enormous height. It is indeed true, that these people have been a good deal interrupted and embarrassed, from time to time, by detections and convictions; but while the laws are so inapplicable to the new tricks and devices they have resorted to, these convictions are only a drop in the bucket: while such encouragements are held out, the execution of one rogue only makes room for another to take up his customers; and indeed as the offence of selling is only a misdemeanor, it is no unusual thing for the wife and family of a culprit, or convicted seller of base money, to carry on the business, and to support him luxuriously in Newgate, until the expiration of the year and day's imprisonment, which is generally the punishment inflicted for this species of offence.

It has not been an unusual thing for several of these dealers to hold a kind of market, every morning, where from forty to fifty of the German Jew boys are regularly supplied with counterfeit halfpence, which they dispose of in the course of the day in different streets and lanes of the metropolis, for bad shillings, at about threepence each. Care is always taken that the person who cries bad shillings shall have a companion near him, who carries the halfpence, and takes charge of the purchased

chased shillings (which are not cut :) so as to elude the detection of the officers of the police, in the event of being searched.

The bad shillings thus purchased, are received in payment by the employers of the boys, for the bad halfpence supplied by them, at the rate of four shillings a dozen ; and are generally resold to smashers, at a profit of two shillings a dozen ; who speedily recolour them, and introduce them again into circulation, at their full nominal value.

The boys will generally clear from five to seven shillings a day, by this fraudulent business ; which they almost uniformly spend, during the evening, in riot and debauchery ; returning pennyles in the morning to their old trade.

Thus it is that the frauds upon the public multiply beyond all possible conception, while the tradesman, who, unwarily at least if not improperly, sells his counterfeit shillings to Jew boys at threepence each, little suspects that it is for the purpose of being returned upon him again at the rate of twelvepence ; or 300 per cent. profit to the purchasers and utterers.

But these are not the only criminal devices to which the coiners and dealers, as well as the utterers of base money, have had recourse, for answering their iniquitous purposes.

Previous to the act of the 37th Geo. 3, cap. 126, counterfeit French crowns, half-crowns, and shillings, of excellent workmanship, were introduced with a view to elude the punishment of the then deficient laws relative to foreign coin.

Fraudulent die-sinkers are to be found both in the metropolis and in Birmingham, who are excellent artists ; able and willing to copy the exact similitude of any coin, from the British guinea to the

the sequin of Turkey, or to the star pagoda of Arcot. The delinquents have therefore every opportunity and assistance they can wish for ; while their accurate knowledge of the deficiency of the laws, (particularly relative to British coin) and where the point of danger lies, joined to the extreme difficulty of detection, operates as a great encouragement to this species of treason, felony, and fraud ; and affords the most forcible reason why these pests of society still continue to afflict the honest part of the community.

An opinion prevails, founded on information obtained through the medium of the most intelligent of these coiners and dealers, that of the counterfeit money now in circulation, not above one third part is of the species of flats or composition money, which has been mentioned as the most intrinsically valuable of counterfeit silver ; and contains from one-fourth to one third silver : the remainder being blanchéd copper.—The other two thirds of the counterfeit money being cast or washed, and intrinsically worth little or nothing, the imposition upon the public is obvious. Taking the whole upon an average, the amount of the injury may be fairly calculated at within 10 per cent. of a total loss upon the mass of the base silver now in circulation ; which, if a conclusion may be drawn from what passes under the review of any person who has occasion to receive silver in exchange, must considerably exceed one million sterling ! To this we have the miserable prospect of an accession every year, until some effectual steps shall be taken to remedy the evil.

Of the copper coinage, the quantity of counterfeits at one time in circulation might be truly said to equal three-fourth parts of the whole, and nothing

is more certain than that a very great proportion of the actual counterfeits passed as mint halfpence, from their size and appearance, although they yielded the coiners a vast profit.

Even at present the state both of the silver and copper coinage of this kingdom (the copper pence only excepted) deserves very particular attention, for at no time can any person minutely examine either the one coin or the other, which may come into his possession, without finding a considerable portion counterfeit. *Colquhoun.*

These dealers are also assisted by fruit-women, who are always ready to give change to ladies (particularly when no gentleman is in company,) when perhaps not one shilling in the change is good; and should the purchaser of the fruit object to any, abusive words ensue.—An instance of this happened not long ago in Cranbourn Alley. Rabbit and fowl hawkers are likewise very dextrous in passing bad money: they call in at shops, and propose bargains of fowls, apparently fine looking, but generally old; when they receive payment, they have a mode of changing the silver, and telling the purchaser that he has given a bad shilling, or half a crown, producing accordingly a most notorious base one: by their peremptory, and afterwards abusive manner, they force the master or mistress of the house (for who would have a mob about their door?) to give them good money for their counterfeit. A person of this description has imposed lately upon some very respectable people in Chelsea, but was fortunately stopped in his career. *Editor.*

A species of counterfeit halfpence made *wholly* of lead, has been circulated in considerable quantities, coloured in such a manner as even to deceive the best judges.—They are generally of the reign of George

George II. and have the exact appearance of old mint halfpence. *Colquhoun.*

The same kind of counterfeit penny-pieces are also in circulation; and as six or twelve penny-pieces are often taken in a lump, the *leaden* ones, on account of their exact size and similitude, are seldom or ever noticed. The colouring, however, is very apt to wear off at the edges.

Among our most notorious coiners was THOMAS DENTON, a native of the northern part of Yorkshire; though bred a tinman, from a taste for letters, he kept a bookseller's shop in the city of York. He soon after removed to London, where seeing a speaking figure, made by some foreigners, he completed another in a very short time, and by that means accumulated much money, by exhibiting it in various parts of England. The speaking figure he afterwards sold to a painter in the city, and made a writing figure, which on his execution was left in the hands of a friend. His abilities in the chemical line were very conspicuous, and he afterwards translated Pinetti's book of deceptions, with notes. From his knowledge of chemistry he obtained the art of plating coach harness, &c. which he carried on jointly with the business of a bookseller, in Holborn, for some time. In this business he unhappily formed a connection with a person notorious for making plain shillings. Those powers which assisted him to make several mathematical instruments, as pentographs, &c. enabled him to imitate the current coin in a manner that deceived the best judges, and held the court nine hours upon his trial; after which he was acquitted, but convicted upon a different count. He suffered July 1, 1789, and died a professed infidel; he was continually laughing and nodding to some of the spectators,

tors, which he even did after the cap was drawn over his eyes. *Editor.*

CRIMES, MEANS OF PREVENTING.

It is better to prevent crimes than to punish them. This is the fundamental principle of good legislation, which is the art of conducting men to the *maximum* of happiness, and to the *minimum* of misery, if we apply this mathematical expression to the good and evil of life. But the means hitherto employed for that purpose are generally inadequate, or contrary to the end proposed. It is impossible to reduce the tumultuous activity of mankind to absolute regularity ; for, amidst the various and opposite attractions of pleasure and pain, human laws are not sufficient entirely to prevent disorders in society. Such, however, is the chimaera of weak men, when invested with authority. To prohibit a number of indifferent actions is not to prevent the crimes which they may produce, but to create new ones, it is to change at will the ideas of virtue and vice, which, at other times, we are told, are eternal and immutable. To what a situation should we be reduced if every thing were to be forbidden that might possibly lead to a crime ? We must be deprived of the use of our senses : for one motive that induces a man to commit a real crime, there are a thousand which excite him to those indifferent actions which are called crimes by bad laws. If then, the probability that a crime will be committed be in proportion to the number of motives, to extend the sphere of crimes will be to increase that probability. The generality of laws are only exclusive privileges, the tribute of all to the advantage of a few.

Would

Would you prevent crimes? Let the laws be clear and simple, let the entire force of the nation be united in their defence, let them be intended rather to favour every individual than any particular classes of men, let the laws be feared, and the laws only. The fear of the laws is salutary, but the fear of men is a fruitful and fatal source of crimes. Men enslaved are more voluptuous, more debauched, and more cruel than those who are in a state of freedom. These study the sciences, the interest of nations, have great objects before their eyes, and imitate them; but those, whose views are confined to the present moment, endeavour, amidst the distraction of riot and debauchery, to forget their situation; accustomed to the uncertainty of all events, for the laws determine none, the consequences of their crimes become problematical, which gives an additional force to the strength of their passions.

In a nation indolent from the nature of the climate, the uncertainty of the laws confirms and increases men's indolence and stupidity. In a voluptuous but active nation, this uncertainty occasions a multiplicity of cabals and intrigues, which spread distrust and diffidence through the hearts of all, and dissimulation and treachery are the foundation of their prudence. In a brave and powerful nation, this uncertainty of the laws is at last destroyed, after many oscillations from liberty to slavery, and from slavery to liberty again.

Would you prevent crimes? Let liberty be attended with knowledge. As knowledge extends, the disadvantages which attend it diminish, and the advantages increase. A daring impostor, who is always a man of some genius, is adored by the ignorant populace, and despised by men of understanding

standing. Knowledge facilitates the comparison of objects, by shewing them in different points of view. When the clouds of ignorance are dispelled by the radiance of knowledge, authority trembles, but the force of the laws remains immoveable. Men of enlightened understanding must necessarily approve those useful conventions which are the foundations of public safety; they compare, with the highest satisfaction, the inconsiderable portion of liberty, of which they are deprived with the sum total sacrificed by others for their security; observing, that they have only given up the pernicious liberty of injuring their fellow creatures, they bless the throne, and the laws upon which it is established. *Beccaria.*

CRIMES, ORIGIN OF.

Idleness is a never-failing road to criminality. It originates generally in the inattention and the bad example of profligate parents.—And when it has unfortunately taken hold of the human mind, unnecessary wants and improper gratifications, not known or thought of by persons in a course of industry, are constantly generated: hence it is, that crimes are resorted to, and every kind of violence, hostile to the laws, and to peace and good order, is perpetrated.

The criminal and unfortunate individuals, who compose the dismal catalogue of highwaymen, footpad-robbers, burglars, pick-pockets, and common thieves in and about this metropolis, may be divided into the three following classes:

1. Young men of some education, who having acquired idle habits by abandoning business, or by being bred to no profession, and having been seduced

duced by this idleness to indulge in gambling, and scenes of debauchery and dissipation, at length impoverished, and unable to purchase their accustomed gratifications, have recourse to the highway to supply their wants.

2. Tradesmen and others, who having ruined their fortunes and business by gaming and dissipation, sometimes, as a desperate remedy, go upon the road.

But these two classes are extremely few in number, and bear no proportion to the lower and more depraved part of the fraternity of thieves, who pursue the trade systematically; who conduct their depredations under such circumstances of caution, as to render detection extremely difficult; and whose knowledge of all the weak parts of the Criminal Law is generally so complete, as to enable them to elude justice, and to obtain acquittals, when detected and put upon their trials:—namely—

3. 1st. Servants, ostlers, stable and post-boys out of place, who, preferring what they consider as idleness, have studied the profession of thieving.—2d. Persons, who being imprisoned for debts, assaults, or petty offences, have learned habits of idleness and profligacy in goals.—3d. Idle and disorderly mechanics and labourers, who having on this account lost the confidence of their masters or employers, resort to thieving, as a means of support: from all which the notorious and hacknied thieves generally select the most trusty and daring to act as their associates.—4th. Criminals tried and acquitted of offences charged against them, of which class a vast number is annually let loose upon society.—5th. Convicts discharged from prisons and the hulks, after suf-

fering the sentence of the law ; too often instructed by one another in all the arts and devices which attach to the most extreme degree of human depravity, and in the perfect knowledge of the means of perpetrating crimes, and of eluding Justice. *Colquhoun.*

Offences of every description have their origin in the vicious and immoral habits of the people, and in the facilities which the state of manners and society, particularly in vulgar life, afford in generating vicious and bad habits.

In tracing the progress of those habits which are peculiar to the lower orders of the community in this great metropolis, from infancy to the adult state, the cause will be at once discovered, why that *almost universal* profligacy prevails, which, by being productive of so much evil to the unfortunate individuals, as well as the community at large, cannot be sufficiently deplored.

Before a child is perhaps able to lisp a sentence, it is carried by its ill-fated mother to the tap-room of an ale-house, (it is even a practice not with a few of the labouring families in the eastern part of the town, to take lodgings in ale-houses,) in which are assembled multitudes of low company, many of whom have been perhaps reared in the same manner.—The vilest and most profane and polluted language, accompanied by oaths and imprecations, is uttered in these haunts of idleness and dissipation.—Children follow their parents during their progress to maturity, and are almost the constant witnesses of their besotted courses.—Reduced, from their unfortunate habits, to the necessity of occupying a miserable half-furnished lodging, from week to week, there is no comfort at home.—No knowledge of frugal cookery exists, by which a nourishing

ing and palatable meal can be provided, and frequently a sufficiency of fuel for that purpose is not accessible.—A succedaneum is found in the ale-house at three times the expence.—A common fire is provided for the guests, calculated to convey that warmth which could not be obtained at home ; and food and liquor is furnished at an expence which too seldom leaves any part of the weekly earning for cloathing, and none at all for education.—In this manner is a large proportion of what may be denominated the lowest classes of the people reared in the metropolis ; and the result is, that while many of the adults are lost to the state by premature death, from sottishness and irregularity, not a few of their offspring are never raised to manhood : But this is not all :—when by means of strong constitutions, they survive the shocks which nature has sustained in its progress to maturity, under the influence of habits so exceedingly depraved, they are restrained by no principle of morality or religion, (for they know nothing of either,) and only wait for opportunities, to plunge into every excess and every crime.

Another cause of the increase may be traced to the bad and immoral education of apprentices. (*See APPRENTICES.*)

Another cause may be traced to the situation of idle and profligate menial servants out of place, and destitute of the means of obtaining situations from the loss of character.—These too, seek for resources in Public-houses, where they soon become the associates of Thieves, Pickpockets, Burglars, and Highwaymen ; and it is believed to be chiefly from this class, particularly *Riding Footmen*, and *Postillions*, that the corps of Highway Robbers is constantly recruited—while others less skilled in horsemanship,

manship become Burglars, Footpads, and Pick-pockets.

With the major part of this class the transition is easy—depravity had previously taken hold of their minds—every other resource has failed them, and to this they resort, as soon as they can find means to enlist in any gang that will receive them, where, to those who confine themselves chiefly to burglaries, their knowledge of the interior of the houses of their former masters, and their probable acquaintance with some of the female servants, will be a considerable recommendation, and even a ground of seduction.

Another cause, and no inconsiderable one, of the progress and increase of crimes, may be developed, by contemplating the deplorable state and condition of the lower order of the Jews in the metropolis, who are of the society of the Dutch Synagogue. Totally without education, and very seldom trained to any trade or occupation, by which they can earn their livelihood by manual labour; their youths excluded from becoming apprentices, and their females from hiring themselves generally as servants, on account of the superstitious adherence to the mere ceremonial of their persuasion, as it respects meat not killed by the Jews, nothing can exceed their melancholy condition, both with regard to themselves and society. Thus excluded from these resources, which other parts of the community possess, they seem to have no alternative but to resort to those tricks and devices, which ingenuity suggests, to enable persons, without an honest means of subsistence, to live in idleness.

Another cause of the increase and multiplication of crimes has arisen from the depraved morals of the aquatic labourers and others, employed on the wharfs,

wharfs and quays, and in ships, vessels, and craft, upon the river Thames; and from the want, until lately, of an appropriate preventive system to check these depredations.

Another cause, and certainly none of the least, which has tended to facilitate the commission of crimes, has been the want of a proper control over persons of loose conduct and dishonest habits, who have opened shops for the purchase and sale of old iron, and other metals—old stores—rags—old furniture—old building materials, and second-hand wearing apparel, and other goods; and also cart-keepers for the collection and removal of these articles from place to place.

The easy and concealed mode of disposing of pilfered articles, through the medium of these receptacles, has tended more to the corruption of the morals of youth, and to the multiplication of crimes, than it is possible to conceive; nor has the mode of licensing pawnbrokers, without a due regard to character, and a more effectual control, been in many respects less mischievous to the community.—To the reputable part of this class of dealers it is degrading, and even cruel, that the reproach and stigma, arising from the nefarious practices of the fraudulent, should unavoidably in the public mind, attach upon those that are blameless, and fair in their dealings.—While the law admits of no power of discrimination, and no means of excluding improper characters exist, the evil must continue; and while it remains on the present footing, it must also be considered as no inconsiderable medium, by which both petty and more atrocious crimes are produced.

But perhaps the greatest source of delinquency and crimes is to be ascribed to ill-regulated public-houses,

houses, conducted by men of loose conduct and depraved morals, since it is in these receptacles that the corruption of morals originates.—It is here that the minds of youth are contaminated, and the conspiracies for the purpose of committing frauds and depredations on the public formed and facilitated.

A disorderly and ill-regulated public-house, therefore, is one of the greatest nuisances that can exist in civil society.—Innumerable are the temptations which are to be found in these haunts of idleness, to seduce the innocent, and to increase the resources of the evil-disposed to do mischief.

Whatever tends to promote vice and dissipation, whether arising from low gaming by means of cards, dice, dominos, shuffleboard, and other sedentary games; or fraudulent insurances in the lottery, calculated to fascinate and seduce the unwary, and to poison the minds of all ranks in the humble walks of vulgar life, is here to be found; in spite of every laudable precaution, exercised by magistrates, under the present system of police applicable to this object.—Even prostitutes of the lowest cast are not seldom introduced, where the gains of the landlord are thereby to be promoted.

It is in these receptacles that thieves and robbers of every description hold their orgies, and concert and mature their plans of depredation on the peaceful subject; and here too it not unfrequently happens, that their booty is deposited and concealed.

It is here also that markets are held for the sale of base money, where every facility is afforded for the purpose of concealment, and assistance in escaping justice.

In fact, there is scarce any moral evil by which society is afflicted—the mind debauched—the vir-
tuous

tuous parent and master distressed, and the ruin of families and individuals effected, which are not generated in public houses.

To the catalogue already detailed may be added *Gaming-houses*, of every description, particularly *houses of the lowest cast*.

Next to gaming, illicit trade, or smuggling, may be mentioned as a very productive source of criminality. The vast extent of the trade and revenues of the country; its insular situation, and the temptations arising from the magnitude of the duties, contribute exceedingly to the corruption of morals, not only of these engaged in illicit pursuits, but it is to be lamented also of the inferior officers themselves, whose duty it is to prevent this evil.

Severe and pointed as the laws unquestionably are with an immediate view to the prevention of this evil, experience proves how ineffectual they have been, since every idle and profligate character becomes a smuggler. But it is not merely the offence of smuggling, as it relates to the revenue, which is to be deplored as a grievance to the public, since those on the sea coasts of the kingdom, concerned in such pursuits, are generally of ferocious habits, which produce such excesses and depredations upon the unfortunate, when suffering the calamity of shipwreck, as would disgrace the rudest savages.

With contaminated minds, depraved hearts, men given up to such warfare upon helpless humanity, become fit instruments for every species of criminality.—Vagabonds by trade, the transition from one offence to another is easy, and hence through this medium many culprits are added to the general catalogue of delinquency, which nothing can check or prevent but a system of police, attaching responsibility

sponsibility somewhere instead of no where, as at present.

Crimes are also generated in no inconsiderable degree, by the evil examples exhibited in prisons, and by the length of time persons charged with offences are suffered to remain in goals previous to their trial, particularly in the counties adjoining the metropolis, where they frequently are in confinement five or six months before the assizes.—If they were novices in villainy before, the education they receive in these seminaries, in the event of their escaping justice, returns them upon society, completely proselyted and instructed in the arts of mischief and depredation.

Nor have the unequal scale of punishments, and the ultimate unconditional pardons, dictated no doubt by the purest motives of humanity, a less tendency to generate new crimes. Encouraged by the chances of escaping free, even after conviction, many delinquents pursue their evil courses, trusting ultimately to this resource, if other devices shall fail. *Ibid.*

Notwithstanding all that has been urged by our learned writers, houses of ill fame are certainly the *chief* origin of crimes. Not only girls of a tender age are deluded (and prostitution opens the gate for every other sin,) but apprentices, clerks, &c. are here initiated in criminality. Whoever reads our preceding volumes will find, that many notorious characters have been first of all corrupted by their improper connections with women. We had not long ago a mother searching for her daughter, (aged *only fourteen*,) who had been seduced from her by the mistress of one of these houses in Lisle Street. Surely the Society for the Suppression of Vice

Vice would have acted more characteristically had they endeavoured to shut up these schools of infamy, instead of depriving the honest mechanic, who has been toiling hard all the rest of the week, from enjoying himself over a pint of beer on a Sunday.
Editor.

CRIMES, PROOFS OF.

The following general theorem is of great use in determining the certainty of a fact. When the proofs of a crime are dependent on each other, that is, when the evidence of each witness, taken separately, proves nothing, or when all the proofs are dependent upon one, the number of proofs neither increase nor diminish the probability of the fact; for the force of the whole is no greater than the force of that on which they depended; and if this fails, they all fall to the ground. When the proofs are independent on each other, the probability of the fact increases in proportion to the number of proofs; for the falsehood of one does not diminish the veracity of another.

It may seem extraordinary to speak of probability with regard to crimes, which, to deserve a punishment, must be certain. But this paradox will vanish when it is considered, that strictly speaking, moral certainty is only probability, but which is called a certainty, because every man in his senses assents to it from an habit produced by the necessity of acting, and which is anterior to all speculation. That certainty which is necessary to decide that the accused is guilty, is the very same which determines every man in the most important transactions of his life.

The proofs of a crime may be divided into two classes, perfect and imperfect. Those may be called

called perfect which exclude the possibility of innocence ; imperfect, those which do not exclude this possibility. Of the first, one only is sufficient for condemnation ; of the second, as many are required as form a perfect proof ; that is to say, that though each of these, separately taken, does not exclude the possibility of innocence, it is nevertheless excluded by their union. It should be also observed, that the imperfect proofs, of which the accused, if innocent, might clear himself, and does not, become perfect.

But it is much easier to feel this moral certainty of proofs than to define it exactly. For this reason it is an excellent way which establishes assistants to the principal judge, and those chosen by lot ; for that ignorance which judges by its feelings is less subject to error than the knowledge of the laws which judges by opinion. Where the laws are clear and precise, the office of the judge is merely to ascertain the fact. If, in examining the proofs of a crime, acuteness and dexterity be required, if clearness and precision be necessary in summing up the result, to judge of the result itself nothing is wanting but plain and ordinary good sense, a less fallacious guide than the knowledge of a judge, accustomed to find guilty, and to reduce all things to an artificial system borrowed from his studies. Happy the nation where the knowledge of the law is not a science !

It is an admirable law which ordains that every man shall be tried by his peers ; for, when life, liberty, and fortune are in question, the sentiments which a difference of rank and fortune inspire should be silent ; that superiority with which the fortunate look upon the unfortunate, and that envy with which the inferior regard their superiors, should have

have no influence. But when the crime is an offence against a fellow subject, one half of the judges should be peers to the accused, and the other peers to the person offended ; so that all private interest, which, in spite of ourselves, modifies the appearance of objects, even in the eyes of the most equitable, is counteracted, and nothing remains to turn aside the direction of truth and the laws. It is also just that the accused should have the liberty of excluding a certain number of his judges : where this liberty is enjoyed for a long time, without any instance to the contrary, the criminal seems to condemn himself.

All trials should be public, that opinion, which is the best, or perhaps the only cement of society, may curb the authority of the powerful and the passions of the judge, and that the people may say, " We are protected by the laws ; we are not slaves : " a sentiment which inspires courage, and which is the best tribute to a sovereign who knows his real interest. *Beccaria.*

CRIMES, PUNISHABLE BY DEATH.

Treason, and petty treason ; under the former of these is included the offence of counterfeiting the gold and silver coin. See COINERS.

Murder, (which see.)

Arson, (which see,) or wilfully and maliciously burning a house, barns with corn, &c.

Rape, or the forcible violation of chastity.

Stealing an heiress.

Sodomy, a crime against nature, committed either with man or beast.

Piracy, or robbing ships and vessels at sea ; under

der which are included the offences of sailors forcibly hindering their captains from fighting.

Forgeries of deeds, bonds, bills, notes, public securities, &c. &c. Clerks of the bank embezzling notes, altering dividend warrants; paper-makers, unauthorized, using moulds for notes, &c.

Destroying ships, or setting them on fire.

Bankrupts not surrendering, or concealing their effects.

Burglary or housebreaking in the night-time.

Highway robbery.

Housebreaking in the day-time. See LARCENY.

Privately stealing or picking pockets above one shilling.

Shoplifting above five shillings.

Stealing bonds, bills, or bank notes.

Stealing bank notes or bills from letters.

Stealing above forty shillings in any house.

Stealing above forty shillings on a river.

Stealing linen, &c. from bleaching grounds, &c. or destroying linen therein.

Maiming or killing cattle maliciously, (BLACK ACT, 9 Geo. 1 cap. 22.)

Stealing horses, cattle, or sheep.

Shooting at a revenue officer, or at any other person, (BLACK ACT.)

Pulling down houses, churches, &c.

Breaking down the head of a fish-pond, whereby fish may be lost. The unwillingness which it must be expected a jury would have to convict a man capitally for this offence, might be adduced, among many other instances, to shew to what extent public justice is defeated, merely from the severity of the laws, and the want of a scale of punishments proportioned to the offences.

Cutting

Cutting down trees in an avenue or garden, &c.

Cutting down river or sea banks.

Cutting hop binds

Setting fire to coal mines.

Taking reward for helping another to stolen goods in certain cases.

Returning from transportation; or being at large in the kingdom after sentence.

Stabbing a person unarmed, or not having a weapon drawn, if he die in six months.

Concealing the death of a bastard child.

Maliciously maiming or disfiguring any person, &c. lying in wait for the purpose.

Sending threatening letters (BLACK ACT.) See THREATENING LETTERS.

Riots by twelve or more, and not dispersing in an hour after proclamation.

Being accessaries to felonies deemed capital.

Stealing woollen cloth from tenter-grounds.

Stealing from a ship in distress.

Government stores, embezzling, burning or destroying in dock-yards, in certain cases.

Challenging jurors above 20 in capital felonies, or standing mute.

Cottons, selling with forged stamps.

Deer stealing, second offence; or even first offence under the Black Act, not usually enforced.

Uttering counterfeit money, third offence.

Prisoners under insolvent acts guilty of perjury.

Destroying silk or velvet in the loom; or the tools for manufacturing thereof; or destroying woollen goods, racks, or tools, or entering a house for that purpose.

Servants purloining their masters' goods, value forty shillings.

Personating bail, or acknowledging fines or judgments in another's name.

Escape by breaking prison, in certain cases.

Attempting to kill privy counsellors, &c.

Sacrilege.

Smuggling by persons armed; or assembling armed for that purpose.

Robbery of the mail.

Destroying turnpikes or bridges, gates, weighing engines, locks, sluices, engines for draining marshes, &c.

Mutiny, desertion, &c. by the martial and statute law.

Soldiers or sailors enlisting into foreign service.

It will scarcely be credited by those, whose habits of life do not permit them to enter into discussions of this sort, that by the laws of England, there are above one hundred and sixty different offences which subject the parties, who are found guilty, to death, without benefit of clergy. This multiplicity of capital punishments must, in the nature of things, defeat those ends, the attainment of which ought to be the object of all law, namely, the prevention of crimes.

In consequence of this severity, (to use the words of an admired writer,) "The injured, through compassion, will often forbear to prosecute: Juries, through compassion, will sometimes forget their oaths, and either acquit the guilty, or mitigate the nature of the offence: and judges, through compassion, will respite one half the convicts, and recommend them to royal mercy."

The Roman empire never flourished so much as during the æra of the Portian law, which abrogated the punishment of death for all offences whatsoever.

When

When severe punishments and an incorrect police were afterwards revived, the empire fell.

It is not meant, however, to be insinuated that this would be altogether a proper system of criminal jurisprudence, to be adopted in modern times.

In the present state of society, it becomes indispensably necessary, that offences, which in their nature are highly injurious to the public, and where no mode of prevention can be established, should be punished by the forfeiture of life; but these dreadful examples should be exhibited as seldom as possible: for, while on the one hand, such punishments often defeat the ends of justice, by their not being carried into execution; so on the other, by being often repeated, they lose their effect upon the minds of the people.

Can that be thought a correct system of jurisprudence, which inflicts the penalty of death, for breaking down the mound of a fish-pond, whereby the fish may escape; or cutting down a fruit-tree in a garden or orchard; or stealing a handkerchief, or any trifle, privately from a person's pocket, above the value of 12d. while a number of other crimes, of much greater enormity, are only punished with transportation and imprisonment; and while the punishment of murder itself is, and can be, only death, with a few circumstances of additional ignominy? *Colquhoun.*

CRIMES AND PUNISHMENTS, OF THE PROPORTION BETWEEN.

It is not only the common interest of mankind that crimes should not be committed, but that crimes of every kind should be less frequent in proportion to the evil they produce in society. There-
 upon

upon the means made use of by the legislature, to prevent crimes, should be more powerful, in proportion as they are destructive of the public safety and happiness, as the inducements to commit them are stronger. Therefore there ought to be a fixed proportion between crimes and punishments.

It is impossible to prevent, entirely, all the disorders which the passions of mankind cause in society. These disorders increase in proportion to the number of people, and the opposition of private interests. If we consult history, we shall find them encreasing, in every state, with the extent of dominion. In political arithmetic, it is necessary to substitute a calculation of probabilities to mathematical exactness. That force which continually impels us to our own private interest, like gravity, acts incessantly, unless it meets with an obstacle to oppose it. The effects of this force are the confused series of human actions. Punishments, which are political obstacles, prevent the fatal effects of private interest, without destroying the impelling cause, which is that sensibility inseparable from man. The legislator acts, in this case, like a skilful architect, who endeavours to counteract the force of gravity by combining the circumstances which may contribute to the strength of his edifice.

The necessity of uniting in society being granted, together with the conventions which the opposite interests of individuals must necessarily require, a scale of crimes may be formed, of which the first degree should consist of those which immediately attend to the dissolution of society, and the last of the smallest possible injustice done to a private member of that society. Between these extremes will be comprehended all actions contrary
to

to the public good which are called criminal, and which descend by insensible degrees, decreasing from the highest to the lowest. If mathematical calculation could be applied to the obscure and infinite combination of human actions, there might be a corresponding scale of punishments, descending from the greatest to the least : but it will be sufficient that the wise legislator mark the principal divisions, without disturbing the order, lest to the crimes of the first degree be assigned punishments of the last. If there were an exact and universal scale of crimes and punishments, we should there have a common measure of the degree of liberty and slavery, humanity and cruelty of different nations.

Any action which is not comprehended in the above mentioned scale will not be called a crime, or punished as such, except by those who have an interest in the denomination. The uncertainty of the extreme points of this scale hath produced a system of morality which contradict the laws, a multitude of laws that contradict each other, and many which expose the best men to the severest punishments, rendering the ideas of vice and virtue vague and fluctuating, and even their existence doubtful. Hence that fatal lethargy of political bodies, which terminates in their destruction.

Whoever reads, with a philosophic eye, the history of nations, and their laws, will generally find, that the ideas of virtue and vice, of a good or a bad citizen, change with the revolution of ages ; not in proportion to the alteration of circumstances, and consequently conformable to the common good, but in proportion to the passions and errors by which the different lawgivers were successively influenced. He will frequently observe, that the pas-

sions and vices of one age are the foundation of the morality of the following; that violent passion, the offspring of fanaticism and enthusiasm, being weakened by time, which reduces all the phenomena of the natural and moral world to an equality, become, by degrees, the prudence of the age, and an useful instrument in the hands of the powerful or artful politician. Hence the uncertainty of our notions of honour and virtue; an uncertainty which will ever remain, because they change with the revolutions of time, and names survive the things they originally signified; they change with the boundaries of states, which are often the same both in physical and moral geography.

Pleasure and pain are the only springs of actions in beings endowed with sensibility. Even amongst the motives which excite men to acts of religion, the invisible legislator has ordained rewards and punishments. From a partial distribution of these will arise that contradiction, so little observed because so common, to wit, that of punishing by the laws the crimes which the laws have occasioned. If an equal punishment be ordained for two crimes that injure society in different degrees, there is nothing to deter men from committing the greater as often as it is attended with greater advantage.
Beccaria.

CRIMES, DEGREES OF, HOW TO BE ESTIMATED.

Crimes are only to be measured by the injury done to society.

They err, therefore, who imagine that a crime is greater or less according to the intention of the person

person by whom it is committed ; for this will depend on the actual impression of objects on the senses, and on the previous disposition of the mind ; both which will vary in different persons, and even in the same person at different times, according to the succession of ideas, passions, and circumstances. Upon that system it would be necessary to form, not only a particular code for every individual, but a new penal law for every crime. Men, often with the best intention, do the greatest injury to society, and, with the worst, do it the most essential services.

Others have estimated crimes rather by the dignity of the person offended than by their consequences to society. If this were the true standard, the smallest irreverence to the Divine Being ought to be punished with infinitely more severity than the assassination of a monarch.

In short, others have imagined, that the greatness of the sin should aggravate the crime. But the fallacy of this opinion will appear on the slightest consideration of the relations between man and man, and between God and man. The relations between man and man are relations of equality, Necessity alone hath produced, from the opposition of private passions and interests, the idea of public utility, which is the foundation of human justice. The other are relations of dependance, between an imperfect creature and his Creator, the most perfect of being, who has reserved to himself the sole right of being both lawgiver and judge ; for he alone can, without injustice, be, at the same time, both one and the other. If he hath decreed eternal punishments for those who disobey his will, shall an insect dare to put himself in the place of divine justice, or pretend

pretend to punish for the Almighty, who is himself all-sufficient, who cannot receive the impression of pleasure or pain, and who alone, of all other beings, acts without being acted upon? The degree of sin depends on the malignity of the heart, which is impenetrable to finite beings. How then can the degree of sin serve as a standard to determine the degree of crimes? If that were admitted, men may punish when God pardons, and pardon when God condemns; and thus act in opposition to the Supreme Being.

We have proved, then, that crimes are to be estimated by the injury done to society. This is one of those palpable truths which, though evident to the meanest capacity, yet, by a combination of circumstances, are only known to a few thinking men in every nation, and in every age. But opinions, worthy only of the despotism of Asia, and passions, armed with power and authority, have, generally by insensible, and sometimes by violent impressions on the timid credulity of men, effaced those simple ideas which, perhaps, constituted the first philosophy of infant society. Happily the philosophy of the present enlightened age seems again to conduct us to the same principles, and with that degree of certainty which is obtained by a rational examination and repeated experience.

Ibid.

CRIMES, DIVISIONS OF.

We should now examine and distinguish the different species of crimes, and the modes of punishment; but they are so variable in their nature from the different circumstances of ages and countries, that the detail would be tiresome and endless.

It will be sufficient to point out the most general principles, and the most common and dangerous errors, in order to undeceive as well those who, from a mistaken zeal for liberty, would introduce anarchy and confusion, as those who pretend to reduce society in general to the regularity of a convent.

Some crimes are immediately destructive of society, or its representative; others attack the private security of the life, property, or honour of individuals; and a third class consists of such actions as are contrary to the laws which relate to the general good of the community.

The first, which are of the highest degree, as they are most destructive to society, are called crimes of leze-majesty.* Tyranny and ignorance, which have confounded the clearest terms and ideas, have given this appellation to crimes of a different nature, and consequently have established the same punishment for each; and on this occasion, as on a thousand others, men have been sacrificed victims to a word. Every crime, even of the most private nature, injures society; but every crime does not threaten its immediate destruction. Moral as well as physical actions have their sphere of activity differently circumscribed, like all the movements of nature, by time and space; it is therefore a sophistical interpretation, the common philosophy of slaves, that would confound the limits of things established by eternal truth.

To these succeed crimes which are destructive of the security of individuals. This security being the principal end of all society, and to which every

* High treason,

citizen

citizen hath an undoubted right, it becomes indispensably necessary, that to these crimes the greatest of punishments should be assigned.

The opinion, that every member of society has a right to do any thing that is not contrary to the laws without fearing any other inconveniences than those which are the natural consequences of the action itself, is a political dogma, which should be defended by the laws inculcated by the magistrates, and believed by the people ; a sacred dogma, without which there can be no lawful society, a just recompence for our sacrifice of that universal liberty of action common to all-sensible beings, and only limited by our natural powers. By this principle our minds become free, active, and vigorous; by this alone we are inspired by that virtue which knows no fear, so different from that pliant prudence, worthy of those only who can bear, a precarious existence.

Attempts, therefore, against the life and liberty of a citizen are crimes of the highest nature. Under this head we comprehend not only assassinations and robberies committed by the populace, but by grandees and magistrates, whose example acts with more force, and at a greater distance, destroying the ideas of justice and duty among the subjects, and substituting that of the right of the strongest, equally dangerous to those who exercise it, and to those who suffer.

Another class of crimes are those, which disturb the public tranquillity, and the quiet of the citizens, such as tumults and riots in the public streets. *Ibid.*

CRIMES PUNISHABLE BY TRANSPORTATION, &c.
See FELONIES, SINGLE.

CRIMES

**CRIMES PUNISHABLE BY FINE, &c. See MIS-
DEMEANORS.**

CONFINEMENT, CLOSE.

When a criminal is sentenced to close confinement in China, he is fastened, at full length, upon a sort of bedstead, a chump of wood serving for a pillow. His hands and feet are loaded with iron manacles and fetters; his neck is chained to a post, and fastened by two padlocks. *Punishments of China.* See IMPRISONMENTS.

CONFISCATION.

Should the person who is excluded for ever from society be deprived of his property? This question may be considered in different lights. The confiscation of effects, added to banishment, is a greater punishment than banishment alone; there ought then to be some cases, in which, according to the crime, either the whole fortune should be confiscated, or part only, or none at all. The whole should be forfeited, when the law which ordains banishment declares, at the same time, that all connections or relations between the society and the criminal are annihilated. In this case the citizen dies; the man only remains, and, with respect to a political body, the death of the citizen should have the same consequences with the death of the man. It seems to follow then, that, in this case, the effects of the criminal should devolve to his lawful heirs. But it is not on account of this refinement, we disapprove of confiscations. If some have insisted, that they were a restraint to vengeance, and the violence of particulars, they have not reflected, that.

that though punishments be productive of good, they are not, on that account, more just; to be just, they must be necessary. Even an useful injustice can never be allowed by a legislator, who means to guard against watchful tyranny, which, under the flattering pretext of momentary advantages, would establish permanent principles of destruction, and, to procure the ease of a few in a high station, would draw tears from thousands of the poor.

The law which ordains confiscations, sets a price on the head of the subject, with the guilty punishes the innocent, and, by reducing them to indigence and despair, tempts them to become criminal. Can there be a more melancholy spectacle than a whole family overwhelmed with infamy and misery, from the crime of their chief; a crime which, if it had been possible, they were restrained from preventing by that submission which the laws themselves have ordained? *Beccaria*.

It is a maxim received at the bar, that "he who forfeits his life forfeits his effects;" a maxim which prevails in those countries where custom serves instead of law. So that the children of one who puts an end to his own life are condemned to perish with hunger, equally with those of an assassin! Thus, in every case, a whole family is punished for the crime of an individual. Thus, when the father of a family is condemned to the galleys for life, by an arbitrary sentence, his wife and children are reduced to beg their bread.

That law which consists in depriving an orphan of support, and in giving to one man the possessions of another, was unknown in the times of the Roman republic. It was first introduced by Sylla in his proscriptions, whose example one would scarce have

have thought worthy imitation. Nor indeed was this law adopted by Cæsar, by Trajan, or by Antoninus, whose name is still pronouned with respect by all nations; and under Justinian confiscation took place only in case of high treason.

It seems that, in the times of feudal anarchy, princes and lords, not being very rich, sought to increase their revenue by the condemnation of their subjects. Their laws being arbitrary, and the Roman jurisprudence unknown, customs either cruel or ridiculous prevailed. But now that the power of princes is founded on immense and certain revenues, there can be no need to swell their treasuries with the inconsiderable wreck of an unfortunate family.

In countries where the Roman law is established, confiscation is not admitted, except within the jurisdiction of the parliament of Thoulouse. It was formerly the law at Calais, but was abolished by the English whilst that city was in their possession. It is strange, that the inhabitants of the capital should be subject to a severer law than the people in the country; but laws, like the cottages in a village, were generally established by accident, and without attention to the regularity of a general plan.

Who would believe that, in the year 1673, in the most brilliant period of the kingdom of France, the advocate-general, Omer Talon, did, in full parliament, express himself, on the subject of a young lady named Canillac, in the following words:

“ God says, in the 13th chapter of Deuterono-
 “ my, If thou comest into a city where idolatry
 “ reigneth, thou shalt surely smite the inhabitants
 “ of that city with the edge of the sword, destroy-
 “ ing it utterly, and all that is therein. And
 “ thou

" thou shalt gather all the spoil thereof into the
 " midst of the street, and shalt burn with fire the
 " city, and all the spoil thereof, for the Lord thy
 " God ; and it shall be an heap for ever ; and
 " there shall cleave nought of the cursed thing to
 " thine hand.

" In like manner, in the crime of high treason,
 " the children were deprived of their inheritance,
 " which became forfeited to the king. Naboth,
 " being prosecuted because he had spoken evil to
 " the king, king Ahab took possession of his
 " effects. David being informed that Mephibosheth
 " had rebelled, gave all his possessions to
 " Ziba, who brought him the news."

The question in dispute was, Who should inherit the paternal estate of Mademoiselle de Canillac, which, having been confiscated, was abandoned by the king to a lord of the treasury, and afterwards bequeathed by him to the testatrix ? In this cause, concerning a girl of Auvergne, it was, that an advocate-general referred to Ahab, king of a part of Palestine, who confiscated the vineyard of Naboth, after assassinating the owner with the sword of justice : an action so abominable as to have passed into a proverb, intended to inspire mankind with detestation of such acts of tyranny. There was certainly no analogy between the vineyard of Naboth and the inheritance of Mademoiselle de Canillac, nor hath the murder and confiscation of the possessions of Mephibosheth, the grandson of Saul, and son of Jonathan, the friend and protector of David, the least affinity with the will of this lady.

It was with such pedantry, with such foolish quotations, foreign to the subject, with such ignorance of the first principles of human nature, with such

such prejudices ill conceived and ill applied, that laws have been explained and executed, by men who acquired reputation in their sphere. *Voltaire.*

CONSPIRACY. See TREASON.

CONSTABLES.

Every thing that can heighten, in any degree the respectability of the office of constable, adds to the security of the state, and the safety of the life and property of every individual.

Under such circumstances, it cannot be sufficiently regretted, that these useful constitutional officers, destined for the protection of the public, have been (with very few exceptions) so little regarded, so carelessly selected, and so ill supported and rewarded for the imminent risques which they run, and the services they perform, in the execution of their duty.

The common law, as well as the ancient statutes of the kingdom, having placed extensive powers in the hands of constables and peace officers; they are, in this point of view, to be considered as respectable: and it is the interest of the community, that they shou'd support that rank and character in society, which corresponds with the authority with which they are invested.—If this were attended to, men of credit and discretion would not be so averse to fill such situations; and those pernicious prejudices, which have prevailed in vulgar life, and in some degree among the higher ranks in society, with regard to thief-takers, would no longer operate; for it is plain to demonstration, “that the best laws that ever were made can avail nothing, if the public mind is impressed with an idea, that it is a matter of infamy, to become the

casual or professional agents to carry them into execution."

This absurd prejudice against the office of constable, and the small encouragement which the major part receive, is one of the chief reasons why unworthy characters have filled such situations ; and why the public interest has suffered by the increase of crimes.

The office of constable is as old as the monarchy of England ; and certainly existed in the time of the Saxons.—The law requires that he should be *idoneus homo* : or, in other words, to have honesty to execute the office without malice, affection, or partiality ; knowledge to understand what he ought to do ; and ability, as well in substance or estate, as in body, to enable him to conduct himself with utility to the public. *Colquhoun.* See ARRESTS.

CONVICTS. See BOTANY BAY.

CORD, PUNISHMENT OF THE, IN CHINA.

The usual capital punishments in China are strangling and beheading, (which see.) The former is more common, and is decreed against those who are found guilty of crimes, which however capital, are only held in the second rank of atrocity.—For instance, all acts of homicide, whether intentional or accidental ; every species of fraud, committed upon government ; the seduction of a woman, whether married or single ; giving abusive language to a parent, (See CHINESE LAWS ;) plundering or defacing a burying place ; robbing with



THE CORD

with destructive weapons; and for wearing pearls. *

DEATH, THE PUNISHMENT OF, CONSIDERED.

The terrors of death make so slight an impression, that it has not force enough to withstand that forgetfulness natural to mankind, even in the most essential things, especially when assisted by the passions. Violent impressions surprise us, but their effect is momentary; they are fit to produce those revolutions which instantly transform a common man into a Lacedæmonian or a Persian, but in a free and quiet government they ought to be rather frequent than strong.

The execution of a criminal is to the multitude a spectacle which, in some, excites compassion mixed with indignation. These sentiments occupy the mind more than that salutary terror which the laws endeavour to inspire; but, in the contemplation of continued suffering, terror is the only, or at least the predominant sensation. The severity of a punishment should be just sufficient to excite com-

* This extraordinary law against wearing pearls must have been formed for the sake of preventing robberies. *Editor.*

Criminals are sometimes strangled with a bow-string, but on general occasions a cord is made use of, which fastens the person to a cross, and one turn being taken round his neck, it is drawn tight by an athletic executioner.

Men of distinction are usually strangled, as the more honourable death; and where the emperor is inclined to show an extraordinary mark of attention towards a mandarin condemned to die, he sends him a silken cord, with permission to be his own executioner. *Punishments of China.*

passion in the spectators, as it is intended more for them than for the criminal.

A punishment, to be just, should have only that degree of severity which is sufficient to deter others. Now there is no man who, upon the least reflection, would put in competition the total and perpetual loss of his liberty, with the greatest advantages he could possibly obtain in consequence of a crime. Perpetual slavery, then, has in it all that is necessary to deter the most hardened and determined, as much as the punishment of death. There are many who can look upon death with intrepidity and firmness, some through fanaticism, and others through vanity, which attends us even to the grave; others from a desperate resolution, either to get rid of their misery, or cease to live: but fanaticism and vanity forsake the criminal in slavery, in chains and fetters, in an iron cage, and despair seems rather the beginning than the end of their misery. The mind, by collecting itself and uniting all its force, can, for a moment, repel assailing grief; but its most vigorous efforts are insufficient to resist perpetual wretchedness.

In all nations, where death is used as a punishment, every example supposes a new crime committed; whereas, in perpetual slavery, every criminal affords a frequent and lasting example; and if it be necessary that men should often be witnesses of the power of the laws, criminals should often be put to death: but this supposes a frequency of crimes; and from hence this punishment will cease to have its effect, so that it must be useful and useless at the same time.

Let us, for a moment, attend to the reasoning of a robber or assassin, who is deterred from violating the

the laws by the gibbet or the wheel. 'Tis true, that to develop the sentiments of one's own heart is an art which education only can teach; but although a villain may not be able to give a clear account of his principles, they nevertheless influence his conduct. He reasons thus: "What are these laws that I am bound to respect, which make so great a difference between me and the rich man? He refuses me the farthing I ask of him, and excuses himself by bidding me have recourse to labour, with which he is unacquainted. Who made these laws? The rich and the great, who never deigned to visit the miserable hut of the poor, who have never seen him dividing a piece of mouldy bread, amidst the cries of his famished children and the tears of his wife. Let us break those ties, fatal to the greatest part of mankind, and only useful to a few indolent tyrants. Let us attack injustice at its source. I will return to my natural state of independence. I shall live free and happy on the fruits of my courage and industry. A day of pain and repentance may come, but it will be short; and for an hour of grief I shall enjoy years of pleasure and liberty. King of a small number, as determined as myself, I will correct the mistakes of fortune, and I shall see those tyrants grow pale and tremble at the sight of him, whom, with insulting pride, they would not suffer to rank with their dogs and horses."

Religion then presents itself to the mind of this lawless villain, and, promising him almost a certainty of eternal happiness upon the easy terms of repentance, contributes much to lessen the horror of the last scene of the tragedy.

The punishment of death is pernicious to society, from the example of barbarity it affords. If the passions,

passions, or the necessity of war, have taught men to shed the blood of their fellow-creatures, the laws, which are intended to moderate the ferocity of mankind, should not increase it by examples of barbarity, the more horrible as this punishment is usually attended with formal pageantry. What are the natural sentiments of every person concerning the punishment of death? We may read them in the contempt and indignation with which every one looks on the executioner, who is nevertheless an innocent executor of the public will, a good citizen, who contributes to the advantage of society, the instrument of the general security within, as good soldiers are without. What then is the origin of this contradiction? Why is this sentiment of mankind indelible to the scandal of reason? It is, that, in a secret corner of the mind, in which the original impressions of nature are still preserved, men discover a sentiment which tells them, that their lives are not lawfully in the power of any one, but of that necessity only which with its iron scepter rules the universe. *Beccaria.*

It hath long since been observed, that a man after he is hanged is good for nothing, and that punishments invented for the good of society ought to be useful to society. It is evident, that a score of stout robbers condemned for life to some public work, would serve the state in their punishment, and that hanging them is a benefit to no body but the executioner. Thieves, in England, are seldom punished with death, but are transported to the colonies. This is also practised in Russia, where not one criminal was executed during the whole reign of the autocratical Elizabeth. Catherine II. who succeeded her, with much more genius, followed her example; yet crimes are not multiplied by this humanity;

humanity; and it generally happens that the criminals sent to Siberia, in time become honest people. The same is observed in the English colonies. We are astonished at the change, and yet nothing can be more natural. The condemned are forced to continual labour for a livelihood. The opportunities of vice are wanting. They marry and multiply. Oblige men to work, and you certainly make them honest. It is well known, that atrocious crimes are not committed in the country, unless when there is too much holiday, and consequently too much idleness, and consequently too much debauchery.

The Romans never condemned a citizen to death unless for crimes which concerned the safety of the state. These our masters, our first legislators, were careful of the blood of their fellow-citizens; but we are extravagant with the blood of ours.

The question hath been frequently debated, Whether a judge ought to have the power to punish with death, when the punishment is undetermined by the law? This question was solemnly agitated in the presence of the Emperor Henry VII. who decreed that no judge should have such a power.

There are some criminal cases which are either so new, so complicated, or so unaccountable, as to have escaped the provision of the laws, and which therefore, in some countries, are left to the discretion of the judge. But for one case in which the laws permit the death of a criminal whom they have not condemned, there are a thousand wherein humanity should save whom the laws have condemned to suffer.

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The sword of justice is in our hands, but we ought rather to blunt than to sharpen its edge. It remains within its sheath in the presence of kings, to inform us that it ought seldom to be drawn.

There have been some judges who were passionately fond of spilling human blood ; such was Jefferies in England, and such in France was the man whom they called *coupe tite*. Nature never intended such men for magistrates, but for executioners. *Voltaire*.

DEATH-WARRANTS.

Must we go to the end of the world, must we have recourse to the laws of China, to learn how frugal we ought to be of human blood ? It is now more than four thousand years that the tribunals of that empire have existed, and it is also more than four thousand years that the meanest subject, at the extremity of the empire, hath not been executed without first transmitting his case to the emperor, who causes it to be thrice examined by one of his tribunals, after which he signs the death-warrant, alters the sentence, or entirely acquits.

But it is unnecessary to travel so far for examples of this nature : Europe will abundantly supply us. In England no criminal is put to death whose death-warrant is not signed by the King. It is also practised in Germany, and in most parts of the north. Such likewise was formerly the custom in France, and such it ought to be in all polished nations. A sentence at a distance from the throne may be dictated by cabal, prejudice, or ignorance. Such little intrigues are unknown to monarchs, who are continually

continually surrounded by great objects. The members of the supreme council are more enlightened, less liable to prejudice, and better qualified than a provincial judge, to determine whether the state requires severe punishments. In short, when inferior courts have judged according to the letter of the law, which possibly may be rigorous, the council mitigates the sentence according to the true spirit of all laws, which teaches never to sacrifice a man but in evident necessity. *Voltaire.*

DECAPITATION. See **BEHEADING** and **GUILLOTINE.**

DEPREDATORS.

The depredations which are frequently committed in the principal streets of the metropolis, afford strong proofs of the necessity of an improved system with regard to watchmen and patrols.

Allured to a particular part of the metropolis, from the extensive and valuable property in piece goods and other portable articles which are constantly removing to and from the different shops and warehouses:—a multitude of thieves and pickpockets, exhibiting often in their dress and exterior, the appearance of gentlemen and men of business, assemble every evening in gangs, watching at the corners of every street, ready to hustle and rob, or to trip up the heels of the warehouse-porters and the servants of shopkeepers carrying goods; or at the doors of warehouses, at dusk and at the time they are locked, to be ready to seize loose parcels when unperceived; by all which means, aided by a number of other tricks and fraudulent pretences, they are but too successful in obtaining considerable

able booty. In short, there is no device or artifice to which these vigilant plunderers do not resort : of which an example appeared in an instance, where almost in the twinkling of an eye, while the servant of an eminent silk-dyer had crossed a narrow street, his horse and cart, containing raw silk to the value of twelve hundred pounds, were driven clear off. Many of these atrocious villains, are also constantly in waiting at the inns, disguised in different ways, personating travellers, coach-office clerks, porters and coachmen, for the purpose of plundering every thing that is portable ; which, with the assistance of two or three associates if necessary, is carried to a coach called for the purpose, and immediately conveyed to the receiver.

The most adroit thieves in this line are generally convicts from the hulks, or returned transports, who under pretence of having some ostensible business (while they carry on the trade of thieving) generally open a chandler's shop, set up a green-stall, or get into a public-house : some of these old offenders are known also to keep livery-stables for thieves, and horses for the use of highwaymen ; thereby forming a connected chain by which these criminal people extend and facilitate their trade ; nourishing, accommodating, and supporting one another. *Colquhoun.*

The fields near London are never free from men strolling about in pilfering pursuits by day, and committing greater crimes by night. The depredations every Sunday are astonishingly great. There are not many gardens, within five miles of London, that escape being visited in a marauding way, very early on a Sunday morning ; and the farmers' fields are plundered all day long of fruit, roots, cabbages, pulse,

pulse, and corn; even the ears of wheat are cut from the sheaves and carried away in the most daring manner, in open day, in various ways, but mostly in bags containing about half a bushel each. It has been moderately estimated, that 20,000 bushels, of all the various sorts, are thus carried off every Sunday morning, and 10,000 more during the other six days of the week; or one million and a half of bushels in a year, which, if valued at so small a sum of 6d. each, will amount to 37,500*l*.

The occupiers of many thousand acres round London, lose annually, in this manner, to the amount of much more than 20*s*. an acre.

A miller near London being questioned as to small parcels of wheat brought to his mill to be ground, by a suspected person, soon after several barns had been robbed, answered, that any explanation on that head would put his mills in danger of being burnt. Well may the farmers say, "Their property is not protected like that of other men."—*Middleton's View of the Agriculture of Middlesex*.

The immense depredations committed on every species of commercial property in the river Thames, but particularly on West India produce, had long been felt as a grievance of the greatest magnitude; exceedingly hurtful to the commerce and revenue of the port of London, and deeply affecting the interest of the colonial planters, as well as every description of merchants and ship-owners concerned in the trade of the river Thames.

The West India planters alone have estimated their losses by depredations upon the river and in the warehouses at the enormous sum of 250,000*l*. a year. It cannot be unreasonable then to suppose, that the extent of the plunder on the other branches of commerce, which form nearly 5-6th parts of the whole

whole value of Imports and Exports, could not be less than 250,000l. more, making an aggregate upon the whole of half a million sterling! *Colquhoun.*
See PLUNDERERS.

DEPREDATORS, MORALS OF.

When the object in view is to acquire money, the power of example, sanctioned by usage and custom, will reconcile men by degrees, to enormities and frauds which at first could not have been endured.—Acting under this influence, it too often happens, that a distinction is made, as regards moral rectitude, in the minds of many individuals, between the *property of the Nation*, and *private property*.—While the most scrupulous attention to the rules of honour prevails in the latter case, principles, the most relaxed, are yielded to in the former.

And thus it is, that in such situations, inferior agents also, induced by example, become insensibly reconciled to every species of fraud, embezzlement, and speculation.

It is no inconsiderable source of the evil, that large gratuities are given under the colour of fees, to those who can assist in promoting the views of the fraudulent, or in guarding them against detection.—What was at first considered as the wages of turpitude, at length assumes the form, and is viewed in the light of a fair perquisite of office.

In this manner abuses multiply, and the ingenuity of man is ever fertile in finding some palliative.—Custom and example sanction the greatest enormities; which at length become fortified by immemorial and progressive usage: it is no wonder there-

therefore, that the superior officers find it an Herculean labour to cleanse the Augean stable.

Colquhoun.

DUCKING STOOL.

This was one of the lesser punishments formerly used, but now abolished.

DUELLING.

From the necessity of the esteem of others have arisen single combats, and they have been established by the anarchy of the laws. They are thought to have been unknown to the ancients, perhaps because they did not assemble in their temples, in their theatres, or with their friends, suspiciously armed with swords; and, perhaps, because single combats were a common spectacle, exhibited to the people by gladiators, who were slaves, and whom freemen disdained to imitate.

In vain have the laws endeavoured to abolish this custom by punishing the offenders with death. A man of honour, deprived of the esteem of others, foresees that he must be reduced either to a solitary existence, insupportable to a social creature, or become the object of perpetual insult; considerations sufficient to overcome the fear of death.

What are the reasons that duels are not so frequent among the common people as amongst the great? Not only because they do not wear swords, but because to men of that class reputation is of less importance than it is to those of a higher rank, who commonly regard each other with distrust and jealousy.

It may not be without its use to repeat here what has been mentioned by other writers; viz.

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that

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that the best method of preventing this crime, is to punish the aggressor, that is, the person who gave occasion to the duel; and to acquit him who, without any fault on his side, is obliged to defend that which is not sufficiently secured to him by the laws. *Beccaria.*

EGYPTIAN LAW FOR PARRACIDE.

The Egyptians punished the crime of parricide with the utmost severity:—they put the delinquents to death by the most cruel of all tortures—mangling the body and limbs, and afterwards laying it upon thorns to be burnt alive.

EXECUTIONS.

It is a notion entertained by many, that persons afflicted with the protuberances called wens, will infallibly receive a cure by having the hand of a hanging criminal passed over the affected part. This has been frequently done during executions.

In the year 1748, in the bishopric of Wurzburg, an old woman was convicted of witchcraft, and burnt. This was an extraordinary phenomenon in the eighteenth century. But how incredible it seems, that a people who boasted of their reformation, and of having trampled superstition under their feet, and who flattered themselves that they had brought their reason to perfection, is it not wonderful, I say, that such a people should have believed in witchcraft, should have burnt old women accused of this crime, and that above a hundred years after the pretended reformation of their reason.

In the year 1562, a country-woman, named Michelle Chaudron, of the little territory of Geneva,
met

met the devil in her way from the city. The devil gave her a kiss, received her homage, and imprinted on her upper lip and on her right breast the mark which he is wont to bestow upon his favourites. This seal of the devil is a little sign upon the skin, which renders it insensible, as we are assured by all the demonographical civilians of those times.

The devil ordered Michelle Chaudron to bewitch two young girls. She obeyed her master punctually. The parents of the two girls accused her of dealing with the devil. The girls, being confronted with the criminal, declared, that they felt a continual prickling in some parts of their bodies, and that they were possessed. Physicians were called, at least men who passed for physicians in those days. They visited the girls. They sought for the seal of the devil on the body of Michelle, which seal is called, in the verbal process, the *Satanical mark*. Into one of these marks they plunged a long needle, which was already no small torture. Blood issued from the wound, and Michelle testified by her cries that the part was not insensible. The judges not finding sufficient proof that Michelle Chaudron was a witch, ordered her to be tortured, which infallibly produced the proof they wanted. The poor wretch, overcome by torment, confessed at last every thing they desired.

The physicians sought again for the satanical mark, and found it in a little black spot on one of her thighs. Into this they plunged their needle. The poor creature, exhausted and almost expiring with the pain of the torture, was insensible to the needle, and did not cry out. She was instantly condemned to be burnt; but, the world beginning at this time to be a little more civilized, she was previously strangled.

At this period every tribunal in Europe resounded with such judgments, and fire and faggot were universally employed against witchcraft as well as heresy. It is said above 100,000 witches have been condemned to die by christian tribunals. *Voltaire.*

John Young, who was serjeant in Lord Ancram's regiment of foot, and was executed at Edinburgh, Dec. 8, 1750, in the afternoon, pursuant to the sentence of the High Court of Justiciary, pronounced against him on a remit made to that court by the lords of session; before whom a full proof was deduced of Young's having vended false notes of the royal bank of Scotland, knowing them to be so forged and fabricated.

This unhappy man had amused himself before trial with the hopes of being acquitted; and after sentence with those of obtaining a pardon; for which great interest was used by the officers of the army, &c. though all to no purpose; the hurt done to public credit by such destructive practices rendering it necessary that an example should be made to deter others from committing the like in time coming. Indeed this unfortunate man complained bitterly of his hard fate, in being made the only sacrifice to justice, while two others, rather more culpable, they being the very engravers and fabricators of the notes, found means to save themselves by immediately turning evidences against him, who did not scruple to accuse them of perjury, though with what truth I cannot determine.

Young, however, on the day, nay, at the very time of execution, betook himself to a very unusual expedient to save his life for a time, seeing then all his hopes of pardon entirely baffled; the magistrates appointed to witness the ceremony having assembled about two o'clock, at the prison-door, accompanied by

by the proper officers, the guard, and an infinite multitude of spectators; they, attended by two clergymen, went up to the prisoner, and having read over to him his sentence, and asked his objections to the executing the same, Young answered, that he had none: but observing that the sentence appointed the execution to be performed betwixt the hours of two and four in the afternoon, that suggested a thought to him, that if he could preserve his life till past four, the magistrates could not afterwards execute him. Accordingly he desired leave to retire a short time with the two reverend ministers, for spiritual consolation, which being granted, they returned with him to the iron room, where he had been confined since under sentence; and after talking a little with them, he begged they would allow him to spend a few minutes in private devotion, which seeming reasonable, they withdrew, and he ushered the clergymen to the outer door of his apartment, which shutting behind them, he retired to the inner room, the iron door of which he also immediately bolted.

Soon after the officers of justice, surprized at his delay, endeavoured to open his door, which to their great surprize, they found bolted: then they knocked and desired him to come out. No, said he, in this place I am resolved to defend my life to the utmost of my power.

On this the door was attempted to be forced, but it, as is said, being of iron, in vain were the most violent endeavours used for that purpose.

This extraordinary accident was immediately rumoured about. My Lord Provost was sent for, and accordingly appeared in person. The city clock was stopped, and surprize and expectation appeared in every face. A considerable time being
spent

Receiving or buying stolen goods jewels and plate.

Ripping and stealing lead, iron, copper, &c. or buying or receiving.

Stealing (or receiving when stolen) ore from black lead mines.

Stealing from furnished lodgings.

Setting fire to underwood.

Stealing letters, or destroying a letter or packet, advancing the postage, and secreting the money.

Embezzling naval stores, in certain cases.

Petty Larceny, or thefts under one shilling.

Assaulting with an attempt to rob.

Aliens returning after being ordered out of the kingdom.

Stealing fish from a pond or river—fishing in enclosed ponds, and buying stolen fish.

Stealing roots, trees, or plants, of the value of 5s. or destroying them.

Stealing children with their apparel.

Bigamy, or marrying more wives or husbands than one (now punishable with transportation).

Assault and cutting, or burning clothes.

Counterfeiting the copper coin, &c.

Marriage, solemnizing clandestinely.

Manslaughter, or killing another without malice, &c.

Cutting or stealing timber trees, &c. &c. &c.

Stealing a shroud out of a grave.

Watermen carrying too many passengers on the Thames, if any drowned.

FLASHMEN See BURGLARY.

FORGERIES, GREAT and PETTY.

In a great Metropolis, like London, where trade and commerce have arrived at such an astonishing height,

height, and where from the extensive transactions in the funds, and the opulence of the people, the interchange of property is so expanded, it ceases to be a matter of wonder that forgeries and frauds should prevail, in a certain degree:—the question of difficulty is, *why the Laws and the means of prevention, have not kept pace with the progressive advancement of the Country; so as to check and keep within bounds those nefarious practices?*

Forgeries of the higher class, so dangerous in a commercial country, have by the wise policy of the Executive Government, in shutting out all hopes of the extension of the Royal Mercy to the guilty, received a most severe check; beneficial in the highest degree to the country, and clearly manifested by the records of the Old Bailey, where trials for offences of this nature certainly do not increase in number.

But it is to be lamented, that, with regard to petty forgeries and frauds, this is by no means the case, for they seem to multiply and advance with the opulence and luxury of the country; and to branch out into innumerable different shades, varying as the fashions of the year, and as the resources for the perpetration of this species of fraud change their aspect.

When those depraved people who (to use a vulgar phrase) *live entirely by their wits*—find that any tricks which they have practiced for a certain length of time become stale, (such as *pricking the belt for a wager*, or *dropping the ring*,) they abandon these; and have recourse to other devices more novel, and more likely to be effectual in cheating and defrauding the unwary.

One of the most prevailing and successful of these, is the fraud practised upon shop-keepers, tradesmen, publicans,

publicans, and others, by the circulation of forged copper-plate notes and bills for small sums, of 5*l.* and 10*l.* the latter purporting to be drawn, by bankers in the manufacturing and sea-port towns, of different banking-houses in London.

This species of forgery has been carried to a considerable extent; suggested no doubt by the confidence which is established from the extensive circulation of country bankers' notes and bills, now made payable in London; by which the deception is, in some degree, covered, and detection rendered more difficult. *Colquhoun.*

FORTUNE-TELLERS.

These cheats impose on the credulity of the public, by advertisements and cards; pretending a power, from their knowledge of astrology, to fore-tel future events, to discover stolen property, lucky numbers in the lottery, &c.

The extent to which this mischief goes in the metropolis is almost beyond belief; particularly during the drawing of the lottery.—The folly and phrenzy which prevail in vulgar life, lead ignorant and deluded people into the snare of adding to the misfortunes which the lottery occasions, by additional advances of money (obtained generally by pawning goods or apparel) paid to pretended astrologers for suggesting *lucky numbers*, upon which they are advised to make in-urances; and under the influence of this unaccountable delusion, they are too often induced to increase their risks, and ruin their families.

One of these impostors who lived long in the Curtain Road, Shoreditch, is said, in conjunction with his associates, to have made near 300*l.* a year
by

by practising upon the credulity of the lower orders of the people.—He stiled himself (in his circulating cards) an *Astronomer and Astrologer*; and stated, *That he gave advice to Gentlemen and Ladies on business, trade, contracts, removals, journies by land or water, marriages, children, law-suits, absent friends, &c.* And further, that *he calculated nativities accurately.* His fee was half-a-crown.

A person having property stolen from him, went to consult the conjuror respecting the thief; who having described something like the person of a man whom he suspected, his credulity and folly so far got the better of his reason and reflection, as to induce him upon the authority of this impostor *actually to charge his neighbour with a felony*, and to cause him to be apprehended. The Magistrates settled the matter by discharging the prisoner; reprimanding the accuser severely, and ordering the conjuror to be taken into custody, according to law, *as a rogue and a vagabond.*

But the delusion with regard to Fortune-tellers is not confined to vulgar life, since it is known, that ladies of rank, fashion, and fortune, contribute to the encouragement of this fraudulent profession in particular, by their visits to a pretended astrologer of their own sex in the neighbourhood of Tottenham-Court-Road: This woman, to the disgrace of her votaries, whose education ought to have taught them the folly and weakness of countenancing such gross impositions, found the practice of it extremely productive.

The encouragement which this impostor received from the weaker part of the females of rank and fortune in the Metropolis, raised up others; who had the effrontery to insult the understanding of the public, by advertising in the news-papers.

The act of the 9th George the Second, cap. 5, punishes all persons pretending skill in any crafty science, or telling fortunes, or where stolen goods may be found, with a year's imprisonment, and standing four times in the pillory (once every quarter) during the term of such imprisonment. The act called the Vagrant Act, made the 17th year of the same reign, (cap. 5) declares such persons to be rogues and vagabonds, and liable to be punished as such.

It is sincerely to be hoped that those at least who are convinced from having suffered by the gross imposition practised upon the credulity of the people by these pests of society, will enable the civil magistrate, by proper informations, to suppress so great an evil. *Colquhoun.*

FRAUDS.

Among the number of petty frauds may be included the adulteration of milk in the metropolis, which not merely affects the pockets but the health of the inhabitants of London. The number of milch cows kept for the purpose of supplying the metropolis with this article is stated, after very diligent enquiry, at 8,500, and each cow is supposed to afford nine quarts of milk per day.

When the families of fashion are in London for the winter season, the consumption, and consequent deterioration of the milk are at the highest; during the summer months, when such families are for the most part in the country, the milk may probably be of rather a better quality.

The milk is always given in its genuine state to the retail dealers; and as it is sold to them by the cow-keepers after the rate of twopence and 1-8th of a penny per quart, and is retailed by them at three-
 2 pence

pence halfpenny per quart, the profit is surely so large as ought to prevent even the smallest adulteration. But when it is considered how greatly it is reduced by *water*, and impregnated by *worse* ingredients, it is much to be lamented that no method has yet been devised to put a stop to the many scandalous frauds and impositions in general practice, with regard to this very necessary article of human sustenance.

It is certainly an object well deserving the particular consideration of the legislature. It cannot be doubted, that many persons would be glad to make some addition to the price now paid for it (high as that price is) provided they could, for such increased price, procure so useful an article in domestic economy perfectly genuine.

Not satisfied with the profit here stated, which, considering the difference of measure, is above 100 per cent. it is a common practice with the retailers of this useful article to carry the milk first home to their own houses, where it is set up for half a day, when the cream is taken from it, at least all that comes up in that time, and it is then sold for new milk. By which means, what is delivered in the morning is no other than the milk of the preceding afternoon, deprived of the cream it throws up by standing during that time. By this means a farther considerable profit accrues to the retailer, and the milk is greatly reduced in point of strength and quality. This cream, poor as it is, they again mix with flower, chalk, and perhaps other more baneful ingredients, and yet it finds a ready market in the metropolis. *Middleton.*

Five or six men only are employed in attending near three hundred cows. As one woman cannot milk above eight or nine cows twice a day, that part

part of the business would necessarily be attended with considerable expence to the cow-keeper, were it not that the retailer agrees for the produce of a certain number of cows, and takes the labour and expence of milking on himself.

Every cow-house is provided with a milk-room (where the milk is measured and served out by the cow-keeper) and this room is mostly furnished with *a pump*, to which the retail dealers apply in rotation; not secretly, but openly before any person that may be standing by, from which they pump water into the milk vessels at their discretion. The pump is placed there expressly for that purpose, and indeed is very seldom used for any other. A considerable cow-keeper in Surry has a pump of this kind, which goes by the name of the *Famous Black Cow* (from the circumstance of its being painted black) *and is said to yield more than all the rest put together.*

Where such a pump is not provided for them things are much worse, for in that case the retailers are not even careful to use *clean* water. Some of them have been seen to dip their pails in a common horse-trough. And what is still more disgusting, though equally true, one cow-house happens to stand close to the edge of a stream, into which runs much of the dung, and most of the urine of the cows, and even in this stream, so foully impregnated, they have been observed to dip their milk-pails.

A cow-keeper informs me, that the retail milk-dealers are for the most part the refuse of other employments, possessing neither character, decency of manners, nor cleanliness.

No person could possibly drink of the milk, were they fully acquainted with the filthy manners of these dealers in it.

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The same person suggests, as a remedy for these abuses, that it would be highly proper for every retail milk dealer to be obliged to take out an annual licence from the magistrates; which licence should be granted only to such as could produce a certificate of good conduct, signed by the cow-keeper and a certain number of their customers; and also on their being sworn to sell the milk pure and unadulterated. *Middleton.*

See CHEATS, FORGERIES, SHARPS, &c.

GALLOWS,

An instrument of punishment, whereon persons convicted capitally of felony, &c. are executed by hanging.

Among our ancestors it was called *furca*,* fork, a name by which it is still denominated abroad, particularly in France and Italy. In this latter country the reason of the name still subsists, the gallows being a real fork drove into the ground across the legs, whereof is laid a beam, to which the rope is tied.

* The *furca*, used by the Romans as an instrument of punishment, was a piece of timber resembling a fork. This punishment was of three kinds, the first only ignominious, when a master, for small offences, forced a servant to carry a *furca* on his shoulders about the city. The second was penal, when the party was led about the *circus*, or other place, with the *furca* about his neck, and whipped all the way. The third was capital, when the malefactor, having his head fastened on the *furca*, was whipped to death.

The present machine, called a gallows, for hanging criminals, consists of a beam across two pillars of wood, between which pillars, on the beam, the criminals are suspended. Formerly malefactors were hung at Tyburn; but it being found that the procession created idleness, instead of having the desired effect, they afterwards suffered before the debtors' door, Newgate. A moveable machine was therefore contrived for this purpose, consisting of the gallows, as above described, on a kind of a stage, which fell from under the criminals when the signal was given. It has been since judged, that the malefactors, thus suffering, were not sufficiently exposed; besides the occasional moving backwards and forwards this machine was attended with much trouble and noise: malefactors are consequently executed in a more conspicuous part of the Old Bailey; and it is supposed that a permanent gallows will be erected for this purpose in or nearer Smithfield. See **EXECUTIONS.** *Editor.*

GUILLOTINE.

This instrument for beheading criminals, now used in France, was originally called the Maiden, of the use and form of which Mr. Pennant gives the following account:—

“It seems to have been confined to the limits of the forest of Hardwick, or the eighteen towns and hamlets within its precincts. The time when this custom took place is unknown; whether Earl Warren, lord of this forest, might have established it among the sanguinary laws then in use against the invaders of the hunting rights, or whether it might not take place after the woollen manufacturers at Halifax began



THE GUILLOTINE

began to gain strength, is uncertain. The last is very probable; for the wild country around the town was inhabited by a lawless set, whose depredations on the cloth-tenters might soon stifle the efforts of infant industry. For the protection of trade, and for the greater terror of offenders by speedy execution, this custom seems to have been established, so as at last to receive the force of law, which was, "That if a felon be taken within the liberty of the forest of Hardwick, with goods stolen out, or within the said precincts, either hand-habend, back-berand, or confessioned, to the value of thirteen-pence halfpenny, he shall, after three market-days within the town of Halifax, next after such his apprehension, and being condemned, be taken to the gibbet, and there have his head cut from his body."

"The offender had always a fair trial; for as soon as he was taken, he was brought to the lord's bailiff at Halifax: he was then exposed on the three markets (which here were held thrice in a week), placed in a stocks, with the goods stolen on his back, or, if the theft was of the cattle kind, they were glazed by him; and this was done both to strike terror into others, and to produce new informations against him. The bailiff then summoned four freeholders of each town within the forest to form a jury. The felon and prosecutors were brought face to face: the goods, the cow or horse, or whatever was stolen, produced. If he was found guilty, he was remanded to prison, had a week's time allowed for preparation, and then was conveyed to this spot, where his head was struck off by this machine. I should have premised, that if the criminal, either after apprehension, or in the way to execution, could escape

escape out of the limits of the forest (part being close to the town), the bailiff had no farther power over him; but if he should be caught within the precincts at any time after, he was immediately executed on his former sentence.

"This privilege was very freely used during the reign of Elizabeth: the records before that time were lost. Twenty-five suffered in her reign, and at least twelve from 1643 to 1650; after which, I believe, the privilege was no more exerted.

"This machine of death is now destroyed; but I saw one of the same kind in a room under the parliament-house at Edinburgh, where it was introduced by the regent Morton, who took a model of it as he passed through Halifax, and at length suffered by it himself. It is in form of a painter's easel, and about ten feet high: at four feet from the bottom is a cross bar on which the felon lays his head, which is kept down by another placed above. In the inner edges of the frame are grooves; in these is placed a sharp ax, with a vast weight of lead, supported at the very summit with a peg: to that peg is fastened a cord, which the executioner cutting, the ax falls, and does the affair effectually, without suffering the unhappy criminal to undergo a repetition of strokes, as has been the case in the common method. I must add, that if the sufferer is condemned for stealing a horse or a cow, the string is tied to the beast, which, on being whipped, pulls out the peg, and becomes the executioner."

Such is the guillotine of France, whereby the last unfortunate king and queen of that unsettled nation, and several others, have lately suffered: a vessel is placed underneath to receive the head and blood.

GIPSIES.

GIPSIES. See STROLLERS:

HAMSTRINGING.

This punishment is reported to have been inflicted upon malefactors in China, who have endeavoured to make their escape. The criminal is forced to lie down, his legs made bare, the operation is performed by a sabre: a vessel containing Chunam, a species of mortar, is at hand, to be applied, by way of styptic, to the wounds. It is said that this punishment has been lately abolished, the legislature considering, that the natural inclination for liberty, merited not a chastisement of such severity. *Punishments of China.*

HAWKERS AND PEDLARS, THEIR FRAUDULENT PRACTICES.

Many sharpers and swindlers obtain licences to be hawkers and pedlars, under cover of which every species of villainy is practised upon the country people, as well as upon the unwary in the metropolis, and all the great towns in the kingdom.—The artifices by which they succeed are various, as for example :—By fraudulent raffles, where plated goods are exhibited as silver, and where the chances are exceedingly against the adventurers :—By selling and uttering base money, and frequently forged bank notes, which make one of the most profitable branches of their trade ;—By dealing in smuggled goods, thereby promoting the sale of articles injurious to the revenue, besides cheating the ignorant with regard to the value ;—By receiving stolen goods to be disposed of in the country, by which discoveries are prevented, and assistance afforded

forded to common thieves and stationary receivers ; —By purchasing stolen horses in one part of the country, and disposing of them in another, in the course of their journies ; in accomplishing which, so as to elude detection, they have great opportunities ; —By gambling with E O tables at fairs and horse-races.

A number of other devices might be pointed out, which render this class of men great nuisances in society : and shew the necessity of either suppressing them totally, (for in fact they are of little use to the public ;) or of limiting the licences only to men of good character ; to be granted by a general board of police under whose controul they should be placed, while they enter at the same time into a recognizance in a certain sum, with one surety for good behaviour ; by which the honest part would be retained, to the exclusion of the fraudulent. *Colquhoun.*

HIGH TREASON. See TREASON.

HIGHWAYMEN.

These are Robbers upon horse back, who infest the chief post roads and stop travellers, either alone, or in coaches, post-chaises, &c. They always take care to be well mounted for the purpose of escaping if pursued and are generally armed with pistols. See CRIMES, ROBBERIES &c.

Many who have *taken the road*, as it is called ; have been first induced either through necessity or extravagance ; and being probably successful in their first attempts, they renew their depredations ; notwithstanding they have procured a competency : but money thus obtained is soon spent ; their success only tends to increase their audacity, and at length

length the constant repetition of their offence leads to a detection. Our readers will find many characters of this description in our preceding volumes, but the following we have reserved for the illustration of these remarks.

WILLIAM SHELTON was born of respectable parents near Cheshunt in Hertfordshire, and received a liberal education in the learned languages. At a proper age he was apprenticed to an apothecary at Enfield; but his master dismissed him at the end of two years.

He was then placed with an apothecary at Stoke Newington; where he served six years with a fair character.

About this time he became violently enamoured of his mistress's sister, who was by no means insensible to his addresses. She lived in the family; but no person suspected their intimacy, till the mistress accidentally heard her sister freely represent to Shelton the disagreeable consequence that must arise from keeping bad company, and late hours.

On discovering their mutual attachment, Shelton's master and mistress both disapproved of the match, on account of his being too gay; and his own parents objected to it for the same reason, wishing him to acquire greater steadiness of mind before he married.

When his seven years were complete, he took leave of the young lady with professions of lasting love; and his father having supplied him with money, he engaged in business, and was for some time very successful; but his immoderate attachment to pleasure lost him much of his business, and many of his friends.

He had not been long in trade before he became enamoured of a young lady, daughter of a widow
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in his neighbourhood, and having made an acquaintance with her unknown to her mother, he conveyed her out of a back window of the house, and married her at the Fleet. So soon had he forgot his first vows!

The father of the bride having been a citizen of London, her fortune had been deposited in the hands of the chamberlain, who readily paid it to the husband.

Shelton was still in considerable business; but his attachment to company was such that his expences exceeded his income; so that he grew daily poorer; and his father dying about this time, left all his fortune to his widow for her life, consequently Shelton had nothing to expect till after the death of his mother.

He now made acquaintance with some people of abandoned character, and took to a habit of gaming, by which his circumstances became still more embarrassed, and he was obliged to decline business after he had followed it only two years.

Thus distressed, he entered as surgeon on board a ship bound to Antigua; and was received with such singular tokens of respect by the inhabitants of the island, that he resolved to settle there as a surgeon; and write to England for his wife to come over to him; but an unfortunate circumstance prevented the carrying this scheme into execution.

In the island of Antigua it is customary to exercise the militia weekly, when the officers on duty treat their brethren in rotation, and invite what company they please. Mr. Shelton being invited by Colonel Ker, the latter gave a generous treat, and urged his friends to drink freely. On the approach of night some of them would have gone home; but the colonel prevailed on them to stay till

till the next day, hinting that it might be dangerous to meet some negroes who had quitted the plantation.

Shelton agreed, among others, to stay; but he had not been long in bed when the liquor he had drank occasioned the most excruciating pain in his bowels. The next morning, he took some medicines to abate the pain, and the end was answered for the present; he then determined to embark for England, as he thought he felt the symptoms of an approaching consumption.

Hereupon he sailed for his native country, and arrived to the surprise of his friends, who had been taught to expect that he would continue in Antigua. They now advised him to settle at Buntingford in Hertfordshire, where there was a vacancy occasioned by the death of an apothecary.

Shelton having enquired into the affair, and finding no prospect worthy his notice, his wife's mother persuaded him to take a house at Brassin, a village near Buntingford, intimating that she would live with him, and be at the expence of house-keeping. This proposal was accepted; but when the leases were drawn, the old lady refused to execute them, so that Shelton was obliged to abandon his agreeable prospect in a way that appeared not very reputable to himself.

Distressed in mind, and not knowing how to support himself, he determined to commence highwayman; and having hired a horse and furnished himself with pistols, he rode to Finchley Common; but after looking out some hours, and meeting with no booty there, he returned towards London, in his way to which he took about thirty shillings from four ladies whom he stopped in a coach; and

he obtained three shillings and sixpence from a gentleman whom he met on the road.

He now put on a mask, and, thus disguised, robbed the passengers in three stage-coaches on Epping-Forest of their watches and money. Some persons on horseback immediately pursued him, and were very near him at Waltham-Abbey; but, taking a different road, he went round by Cheshunt, and escaped to London, where he the next day heard that his pursuers had galloped after him to Enfield.

The watches he sold to a Jew, and, having spent the produce, he rode out to Hounslow-Heath; where he demanded a gentleman's money, and, after a little hesitation on the part of the latter, robbed him of thirty-two guineas and some silver. This done, he crossed the Thames to Richmond, where he dined, and afterwards stopped two ladies in a coach on Putney Common, but got no booty from them, as they had just before been robbed by another highwayman.

On the same evening, he robbed a quaker of nine pounds, and early on the following morning, he stopped the Northampton stage, and robbed the passengers of twenty-seven pounds. The reason for these rapid robberies was, that he had a debt to discharge which he had contracted at the gaming-table; which being done, he appeared among his former companions as before.

Soon after this, he rode towards Chiswick, in the hope of meeting a colonel in the army; but as the gentleman knew him, he was apprehensive of being recollected by his voice, though he wore a mask. The colonel, seeing a man masked coming forward, produced a pistol, and, on the other coming

coming up, fired at him, and grazed the skin of his horse's shoulder. Shelton now fired, and wounded the colonel's horse; on which the colonel discharged his other pistol, but without effect. Hereupon, the highwayman demanded his money; which having received, to the amount of about 50*l*. he took a circuit round the country, and came into London at night.

On the week following, he obtained a booty of ten guineas, some silver, and two gold watches, on Finchley-Common, but being pursued by some gentlemen on horseback, he concealed himself on Enfield-Chace, and, having eluded his pursuers, rode to London, and in his way robbed a gentleman and a lady of between thirty and forty shillings, on Muswell-Hill.

The next evening, he took a ride; and, though he committed no robbery, on his return through Islington he heard somebody cry out, "Stop the highwayman!" on which he rode hastily up a lane, where his horse had nearly stuck fast in a slough; but getting through it, he stopped in a field, and saw his pursuers waiting in expectation of him; he therefore made a circle, and got down Goswell-Street, to the end of Old-Street, where he again heard the cry of "A highwayman!" on which he rode to Dog-House-Bar, and escaped by the way of Moorfields.

Soon after this, he rode to Enfield-Chace, and, putting on a mask, robbed one of the northern stages while the driver was watering his horses at a pond. Some men who were playing at skittles, seeing this robbery, surrounded his horse; but on his firing a pistol they ran away, and he pursued his journey to London.

Having one day committed a robbery on the

Hertford road, he was returning to town, when he overtook two farmers, who had been drinking at an alehouse till they were valiant, and were wishing to meet Dr. Shelton, whom they would certainly take; they wondered, they said, how people could permit him to proceed unmolested. On this, Shelton presented his pistol, and they delivered their money with every sign of fear. The money was but trifling, which he returned, laughing at them for their assumed courage.

His next robbery was on Finchley-Common, where he took several watches and sixteen pounds from the company in the Northampton stage. He afterwards stopped two gentlemen in a chaise, both of them armed with pistols, in the road from Hounslow, from whom he took 16l. and soon after this, being destitute of cash, and determined to make a bold attempt, he robbed several coaches one evening, and acquired a booty of 90l. exclusive of rings and watches.

In consequence of these repeated robberies, a proclamation was issued for taking Shelton into custody, in which a minute description was given of his person; he therefore concealed himself some time in Hertfordshire; but had not been there long before a person who recollected him informed a neighbouring magistrate; on which he was taken into custody, and conveyed to London.

Having been tried the ensuing sessions at the Old Bailey, for several robberies in Middlesex, he was convicted, and sentenced to die.

While in prison, he affected great gaiety of disposition, and was fond of entertaining his visitors with the history of his exploits; but on the arrival of the warrant for his execution he was so much affected, that he shed tears; having, however,

recourse to the bottle; he soon recurred to his former volatility. He refused to perform the customary devotions, and suffered at Tyburn, Oct. 9, 1732.

JOHN TOON, another highwayman, was the son of respectable inhabitants of Shoreditch, who, having bestowed on him a liberal education, apprenticed him to a capital ironmonger who had married his sister; but, not being happy in this situation, his father sent him to sea at the expiration of three years.

After two voyages to Barbadoes, he grew tired of the life of a seaman, which he quitted to live with his uncle, who was a carman, and in whose service he behaved so, unexceptionably, that on the death of the uncle, which happened soon afterwards, he took possession of four hundred pounds, which his relation had bequeathed him, as the reward of his good conduct.

Having become possessed of this money, he married the sister of Edward Blastock, and began to live in a most extravagant manner. This Blastock was a native of Sheffield, in Yorkshire, and, having been well educated, was apprenticed in London, to a peruke-maker in the Temple; and his master dying when he had served about five years, his mistress declined trade, and gave the young fellow his indentures; on the representation of the gentlemen of the law, that they wished him, rather than any other, to succeed her late husband.

But the rest of the house being high, Blastock was afraid to enter on business so early in life, as he was at that time only eighteen years of age: on which, he took two rooms in White-Friars, where he began to practise in his profession, and met with great success.

Thus acquiring the possession of money before he knew the value of it, he attached himself to the fashionable pleasures of the town, by which he soon incurred more debts than he could discharge; consequently, was obliged to decline business, and have recourse to the profession of a strolling player, refusing to accept of a valuable place which was offered him by a gentleman of the Temple.

Soon afterwards, he married, had several children, and, being reduced to great distress, proposed to Toon that they should go into Yorkshire, and embark in public business.

Accordingly, they took an inn at Sheffield; but both the landlords being better calculated to spend than to get money, Toon soon found his circumstances embarrassed.

Thus situated, he reflected on Blastock for advising him to take the inn; and the other recriminated, by recounting the faults of Toon. In consequence of this dissention, Blastock, with his wife, left Yorkshire, and again engaged in the profession of a strolling player. Toon and his wife soon followed them to London, after selling off all their effects.

Toon, who was now totally reduced, met his own elder brother one day in Cheapside. This brother, who was a dyer in Shoreditch, took little notice of the other; but as Toon imagined he was going out for the day, he went to his house, and met with his wife, who entreated him to stay dinner, to which he consented, and in the mean time he went to see the men at work, and finding one among them of genteel appearance, whom he learnt was his brother's book-keeper, he became extremely enraged that his brother should employ a stranger in

in this station in preference to himself, at a time that he was in circumstances of distress.

In this agitation of mind, he returned into the house, and, whilst his sister-in-law was gone into another room, he stole a small quantity of silver plate, and decamped; and having soon spent the produce of this theft, he determined on the dangerous and fatal resource of the highway.

His first expedition was to Epping-Forest, where he waited a long time in expectation of a booty; and at length observing a coach come from Lord Castlemain's seat; he used the most dreadful imprecations to compel the coachman to stop, and robbed two ladies of near three pounds, with a girdle-buckle and an etwee case.

He now imagined that he had got a valuable prize; but pawned the buckle and etwee for only twelve shillings, as the latter was base metal, which he had mistaken for gold, and the former set with crystal stones, instead of diamonds, as he had imagined.

The succeeding nights, he stopped and robbed several persons, among whom was a gentleman named Currier, who earnestly exhorted him to decline his present course of life, not only from the immorality, but the danger, of it. The robber thanked the gentleman for his advice, but said that he had no occasion for it, as he was sufficiently apprized of his danger, but he must have his money, on pain of instant death; and having robbed him of three guineas, he decamped with the utmost expedition.

Having visited Epping-Forest, he dispossessed a gentleman of his money and a gold watch, which he left in the hands of a receiver of stolen goods, to dispose of to the best advantage; but the watch
being

being of value, and in high estimation with the owner, he advertised it, with a reward of eight guineas; on which, the receiver delivered it, and took the money, but gave Toon only seven of them, pretending that was all he could obtain.

Toon, not having read the advertisement, was ignorant of the trick that had been put upon him; but having again visited Epping-Forest, and waited some time in vain for a booty, he went to the Green Man, by Lord Castlemain's house, where he heard one of his lordship's footmen recounting the particulars of the robbery, and saying that the watch had been recovered on giving eight guineas for it.

On this account, Toon was determined never to lodge any more of his booties in the hands of this man.

After some time, he casually met his brother-in-law, Blastock; and understanding that he had "strutted and fretted his hours on the stage" to no purpose, represented to him the advantages to be derived from the life of a highwayman, and wished him to embark in that business; but Blastock declined it, on the double score of its danger and immorality.

Not long after, the latter was seized with an indisposition, which threatened his life, and confined him so long, that his wife was obliged to pawn almost all her effects for his support; and being visited by Toon during this illness, he again represented to him how easy it was to obtain a genteel support by having recourse to the highway.

Blastock had no sooner recovered his health, than, depressed by want, he yielded to the dangerous solicitation, and went with his accomplice to Epping-Forest, where they stopped the chariot of

of a gentleman, whom they robbed of a few shillings and a pocket-piece, and then came to London.

On the following day, they went again towards the forest ; but in crossing Hackney-Marsh, Toon's horse sunk in a slough, where he continued for so long a time, that they found it impossible to achieve any profitable adventure for that night.

Thus disappointed, they returned to London ; and on the 27th of February following (1738), they rode as far as Muswell-Hill, where they stopped a gentleman named Seabroke, and demanded his money.

The gentleman gave them eighteen shillings, saying it was all he had, and adding, " God bless you, gentlemen, you are welcome to it." Toon then demanded his watch, which Mr. Seabroke delivered, expressing himself again in the same words.

They then galloped towards Highgate, and their horses being almost tired, Blastock, stung with the guilt of his conscience, looked frequently behind him, in apprehension that he was pursued ; and so strong was this terror of his mind, that both of them agreed to quit their horses, and make their escape.

They now ran through a farm-yard, and taking the back road which leads from Highgate to Hampstead, they got to London on foot ; while Blastock solemnly declared he would never embark in such another project, and congratulated himself on his narrow escape.

Hereupon, they took an oath, that, if either of them should be apprehended, neither would impeach the other ; and the watch obtained in the last robbery being sold for two guineas, Blastock received

received his share, and went to join a company of strolling players at Chatham.

The stolen watch being advertised, the purchaser carried it to Mr. Seabroke, telling him that he knew Toon, and would assist in taking him into custody; accordingly, the offender was lodged in Newgate on the same day.

Toon kept his oath, in declining to give any information against his accomplice; but Blastock having agreed to go with the players to a greater distance from London than Chatham, returned to town to bid his wife and children adieu.

When he arrived, which was about midnight, his wife and her sister were in bed; and the former having opened the door, told him that Toon was in custody, and advised him to seek his safety by an immediate flight.

This advice, however, he did not take; and in the morning Toon's wife desired he would stay while she visited her husband, declaring that she would not mention his having returned to London.

When she came home, she wept much, and expressed her wishes for the approach of night, that he might retire in safety. In the evening, while supper was providing, she went out, under pretence of a visit to her husband; but, instead thereof, she went to Toon's brother, who taking her before a magistrate, some peace-officers were sent to secure Blastock.

Mrs. Toon directed the officers to the room where Blastock was, in company with two men of his acquaintance, who were advising him on the emergency of his affairs. Blastock, suspecting some foul play, concealed himself in a closet; and when the officers came in, they first seized one, and then the other, of the persons present; but were soon convinced

convinced that neither of them was the party they were in search of.

On this, the officers made a stricter search, and finding Blastock in the closet, took him into custody. Having taken leave of his wife and children, they carried him before a magistrate, who asked him if he had not a worse coat than that which he then wore. Blastock owned that he had, and actually sent for it ; and it was kept to be produced in evidence against him.

While the officers were conveying him to Newgate, in a coach, they told him that Mrs. Toon had given the information against him ; at which he was so shocked, that it was some time before he could recover his recollection, being absolutely insensible when he was lodged in prison.

Being tried at the next sessions at the Old Bailey, they were capitally convicted, and received sentence of death. After conviction, they were confined in the same cell ; but being unhappy together, from their mutual recriminations of each other, the keeper caused them to be separated.

Toon's behaviour was very penitent, and Blastock exhibited an uncommon instance of contrition.

They suffered together at Tyburn, May 26, 1738, having embraced each other at the place of execution.

WILLIAM UDALL, another highwayman of notoriety, was a native of the parish of Clerkenwell, where his father carried on a considerable trade as a distiller. Having been liberally educated, he was apprenticed to a watch-maker in Leaden-hall-street, where he had served but a short time, when he learnt from the journeymen the practice of scraping gold from the insides of watch-cases, which

he sold, and dissipated the produce in acts of extravagance.

His master dying at the end of four years, and his mistress declining business, he was turned over to another master, with whom he differed before he had been with him a quarter of a year, and went to live with one Mr. Stanbridge of Clerkenwell, who engaged to procure him his freedom at the expiration of the term for which he was originally apprenticed.

He had not been long in the service of Stanbridge before he connected himself with a number of young pickpockets, with whom he used to go out of an evening, and steal watches, swords, hats, and any thing they could lay their hands on, which they deposited with one Williams, in Hanging-Sword-Alley, Fleet-street, who disposed of the effects, and shared the booty with the young thieves.

His father, though apprized of his living in an irregular manner, had no idea that he had proceeded to such lengths as to become a robber. However, to reclaim him from his evil courses, he took a house for him, and put him into business in a very reputable way.

One of his companions, a youth named Raby, who had served his time to a barber, was likewise put by his friends, for the same reason, into business, and for some months the young fellows appeared to attend the duties of their respective professions; however they had not quitted their old connections, as they still frequented a house of ill-fame, which was kept by a woman named Bird, in Drury-Lane. Here they associated with several young fellows of abandoned character, who taught them the arts of gaming; consequently Udall quit-
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ted his business, though he had then a great prospect of success in trade. Being in possession of a great number of watches belonging to his customers, he sold them to a Jew, and appropriated the produce to the purposes of his own extravagance.

Having dissipated all his money, his associates hinted to him that, as he was acquainted with a number of watch-makers, he might easily take up work in the name of his late master, and sell the articles for his own emolument. He followed this advice, and was for some time a gainer by the project.

He had likewise another artifice by which he frequently obtained money. He would sell watches which he declared to be worth five or six guineas each, but take only half the money, till the purchasers were convinced of their goodness; and as he knew that these watches would not go well, they were always returned to be rectified; on which he sold them to other people, and the original purchasers were defrauded.

At length Udall and Raby agreed to commence highwaymen, and in consequence thereof committed a number of robberies in and near Epping-Forest, Finchley-Common, &c. one of which was attended with a circumstance of unusual barbarity.

These associates in wickedness having stopped the St. Alban's coach, robbed the passengers of about five pounds, and immediately put spurs to their horses; but they had not rode far before Udall said that a lady in the coach had a remarkable fine ring on her finger. On this Raby rode back, and the lady being unwilling to part with the ring, the remorseless villain drew a knife, and cut off her finger for the sake of the paltry prize.

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They

They now rode to Hampstead, and having robbed some other people the same evening, hastened to Drury-Lane, where they divided the spoil.

They had also another scheme which was frequently successful. When the company was coming out of the theatres, one of them would accost a lady or gentleman, pretending to know the party, and in the interim the other seldom failed of making prize of a watch.

It was a common practice with Udall to go to the shops of goldsmiths, and under the pretence of buying gold rings, he would steal them, and leave brass rings in the shew-glass; he was so dextrous in this kind of robbery that he was scarce ever detected.

At one time he and two of his accomplices, Baker and Wager, stopped a coach on the road to Uxbridge. A guard being behind the coach with a blunderbuss, Baker threatened him with instant death if he did not throw it away; and the man obeyed. Wager and Udall guarded the coachman and postilion while Baker robbed the company; but this was no sooner done than the guard produced a horse pistol, with which he fired at Udall, and brought him to the ground; on which Baker shot the guard, so that he instantly expired.

Udall was conveyed to a farm-house near Uxbridge by his accomplices, and lay there six weeks before he recovered; but soon afterwards they killed the person who guarded another coach as it was going over Turnham-Green. After this Udall knocked down a young woman in Fenchurch-street, whom he robbed of a cloak, a handkerchief, and her pocket, which contained only a few halfpence. His father, now distressed at his proceedings, and wishing

ing to save him from an ignominious fate, procured him to be arrested and lodged in the Compter, hoping that when his companions were disposed of by the operation of the law, he might be out of future danger: but it happened that Ramsey, one of his old associates, was confined in the same prison at the same time; which coming to the knowledge of Udall's father, he got his son released.

Ramsey being enlarged soon afterwards, they met at an ale-house, and went to a livery stable at London-wall, where they hired horses; riding through the Stratford road they procured a considerable booty in money and watches, from the passengers in several coaches.

Udall having kept company with a woman named Margaret Young, who had likewise lived with several other men, and being one day distressed for cash, he robbed her of five gold rings, in consequence of which she had him apprehended by a judge's warrant, and he was lodged in the house of a tipstaff, Mrs. Young swearing that the rings were the property of another man with whom she had cohabited.

During Udall's confinement the supposed owner of the rings offered to decline the prosecution, if he would enter into a bond never again to live with Mrs. Young: but as he rejected this offer, an order was made for his commitment to the King's-Bench: in the mean time he and another prisoner effected their escape from the house of the tipstaff, by forcing the keys from the maid-servant.

Soon after he and his associates robbed a physician in the Strand, for which they were all of them apprehended; but Udall became an evidence against his accomplices, by which he escaped the fate which he had so frequently merited.

Having thus obtained his liberty, he casually met with Margaret Young, in company with the presumptive owner of the rings, who threatened to arrest Udall for the value of them, unless he would give him a note for four pounds. Complying with this demand, and being unable to pay the note when it became due, he was arrested, and standing trial, was cast, and ordered to discharge both debt and costs.

His relations, who had been at great expence on his account, also refused to pay this debt, consequently he became a prisoner in the Marshalsea; but some of his acquaintance having furnished him with saws and ropes, he made his escape, in company with another prisoner, named Man.

Udall now went to see his relations, and promised them that he would go to Holland, if they would only supply him with money to pay for his passage. This they readily did, and promised to remit him a sum once a year towards his support, on the condition of his continuing abroad; but he had no sooner possessed himself of the present cash, than he went to a house of ill fame in Charter-House-Lane, where he spent the whole money.

Thus reduced, he and his late fellow-prisoner, Man, agreed to go on the highway; the woman of the house having furnished them with pistols, they rode beyond Edmonton, where they robbed four ladies in a coach, and returning to London, spent their ill-gotten gains in Charter-House-Lane.

On the following day they took three gold watches, five pounds, and some silver, from the passengers in a waggon on the western road, near Brentford; and soon afterwards they robbed two gentlemen on Epping Forest; but on their return Udall fell from his horse, and was so bruised as to be obliged to keep his bed for several days.

When his health was somewhat re-established, and his money expended, they went again on the road; and having supped at the castle at Holloway, they robbed three gentlemen near Islington, and returned to Charter-House-Lane.

About this time information was given to the keeper of the Marshalsea prison of the place of their resort; on which he sent a number of men to take him into custody; but just as they were entering at the door, Udall and his friend having notice of their approach, escaped over the roof of the house.

These accomplices now committed several robberies in the neighbourhood of Epping-Forest; and Udall having one night left his horse at a public-house on the forest, went to Man's lodgings in an absolute state of intoxication. While he was in this situation Man went out, and locked the door, on the pretence of taking care that the men from the Marshalsea should not apprehend his companion: but he immediately delivered himself into custody, and gave the key to the runners, who entering the house, seized Udall in bed, and conveyed them both to their former apartments.

Man now seriously reflected on his situation; and being apprehensive that he might be seen by some person who would charge him with a capital offence, begged to be conducted to a magistrate, before whom he was admitted an evidence against his companion, on a charge of his having committed several robberies on the highway.

Hereupon Udall was committed to Newgate, and being tried at the next sessions at the Old Bailey, was convicted, principally on the evidence of Man, and received sentence of death.

After conviction he seemed at once to give up all hopes of life: he acknowledged that, from the time when he was first apprenticed, he had been a total stranger to common honesty; and that his father had paid and expended above four hundred pounds in fruitless endeavours to save him from ruin. He suffered at Tyburn, March 14, 1738, aged 22.

We shall conclude our remarks upon this kind of offenders with an account of WILLIAM GRIFFITHS, another Highwayman, who was a native of Shropshire, and followed the business of husbandry till he had attained his 18th year, when he engaged in a naval life, and remained near three years in the East Indies. The ship was paid off on his return to England; Griffiths, receiving a considerable sum for wages, spent his money at public houses and in profligate company: when his money was spent, he began to think of going to sea for a supply: but David Evans and Timothy Johnson, two of his newly acquired associates, and men of very abandoned character, advised him to be concerned with them in committing robberies on the highway; and this triple association of thieves did actually commit a variety of depredations on the public, treating those they attacked with great inhumanity, but never obtaining any thing considerable by their lawless pursuits.

Having strolled into the fields in the neighbourhood of London, they wandered about till near eight o'clock in the evening, when they stopped a single horse-chaise, in which were a Mrs. Constable, the wife of a surgeon of Highgate, and her servant-maid. Mrs. Constable was driving the chaise; and the robbers had no sooner ordered them

to stop, than one of them fired a pistol, the ball from which touched the clothes of the parties, but did not do any farther mischief. Mrs. Constable was greatly terrified, and gave them what money she had in her purse; but, not content with this, they searched her pockets, and took out some other articles; however, a carriage coming up at the time, they ran off with the utmost precipitation.

They were taken into custody for this offence within a very few days, and conducted to Sir John Fielding's office in Bow-Street, where Evans was admitted an evidence against his accomplices. He deposed positively to the fact, and signed the information which he had given against them; yet, when they were brought to trial at the ensuing sessions at the Old Bailey, he absolutely denied all that he had previously asserted, declaring that neither Johnson nor Griffiths were in his company at the time of the commission of the robbery.

On this testimony, it was absolutely necessary for the jury to acquit the prisoners; but Evans was told from the bench, that he had behaved in a most scandalous manner, and was ordered back to Newgate, to take his trial for perjury.

Griffiths had no sooner experienced this narrow escape, than he returned to the company of several of his old acquaintance (who used to assemble at a house of ill fame in Tothill-Street, Westminster), and had again recourse to the highway for a supply of money to support his extravagances.

It now happened that the Rev. Dr. Dodd (who afterwards suffered for forgery—see vol. i.) and his lady were returning from a visit they had been making to a gentleman at St. Alban's, but were detained on the way at Barnet, because a post-chaise could not be immediately procured.

During

During this delay, it occurred to the doctor that there might be danger on the road; whereupon, he concealed most of his money, except two guineas, which he put in his purse, with a bill of exchange.

Night was hastily approaching when they left Barnet; but they proceeded unmolested till they came near the turnpike at the extremity of Tottenham-Court-Road, when three men called to the driver of the carriage, and threatened his instant destruction if he did not stop. The post-boy did not hesitate to obey such a summons; but no sooner was the carriage stopped, than a pistol was fired, the ball from which went through the front glass of the chaise, but did not injure any of the parties in it, though it terrified them in a very high degree, as they apprehended that the most fatal consequences might ensue.

Soon after the pistol was fired, Griffiths opened the door of the chaise; on which, the doctor begged him to behave with civility, on account of the presence of the lady. He then delivered the purse, with its contents, and likewise gave the robber some loose silver. Griffiths, having received the booty, decamped with the utmost precipitation.

Dr. Dodd lost no time in repairing to Sir John Fielding's office, where he and his lady gave so full a description of the person of the principal robber, that it was conjectured to be Griffiths, who was accordingly taken into custody; but, on his examination before Sir John Fielding, Dr. Dodd hesitated to swear positively to his person; but Mrs. Dodd, who had regarded him with more attention, positively declared on oath that he was the person who had committed the robbery.

Hereupon, the magistrate committed Griffiths
to

to Newgate, and a bill of indictment being found against him by the grand jury, he was brought to trial at the next sessions at the Old Bailey, when the following was the substance of the evidence against him.

Dr. Dodd declared, that it was with great reluctance he came into a court of justice on such an occasion, which he said he would not have done, if the robbery had not been attended with circumstances of an aggravating kind ; but that the firing of the pistol was a crime of so horrid a nature, that his regard to the safety of others had induced him to commence a prosecution abhorrent to the feelings of his own mind ; but the doctor would not swear to the identity of the prisoner's person.

On the contrary, Mrs. Dodd swore that he was the actual person that had committed the robbery ; and declared that he had confessed his guilt when before Sir John Fielding. This evidence was deemed so conclusive, that the jury did not hesitate to find him guilty, in consequence of which he received sentence of death.

After conviction, he behaved for some time in such a manner as was by no means proper for his melancholy situation ; he also refused to attend divine service in the chapel ; but after the arrival of the warrant for his execution his conduct appeared to be totally changed, and he wept almost incessantly. He acknowledged the utmost readiness to listen to the instructions of the ordinary of Newgate, and made a ready confession of many robberies in which he had been concerned, owning that he had been long deserving of the dreadful fate that then awaited him.

Among other things which he confessed was, that he was the person who fired the pistol at Mrs. Constable ;

Constable; and that he prevailed on a woman of his acquaintance to persuade Evans to take a false oath on the trial, the consequence of which was the acquittal of himself and Johnson.

He owned that his attachment to the company of women of abandoned character contributed in a great degree to his destruction, and, for the support of them, induced him to think of having recourse to the highway.

The rest of his behaviour was by no means inconsistent with his calamitous situation; and the ordinary of Newgate, conceiving that he was a sincere penitent, did not hesitate to administer to him the sacrament of the Lord's supper.

When the fatal day of execution arrived, he attended service in the chapel of Newgate, where his behaviour was such as to justify the ideas that had had been formed of the sincerity of his repentance. Being brought down into the press yard, his irons were knocked off, and he was put into the cart to be conveyed to the fatal tree; on which occasion he wept, as penetrated with the utmost contrition for his past crimes; and at the place of execution he cautioned the attending multitude in general, and youth in particular, to take warning by his unhappy fate.

He suffered at Tyburn, on the 20th of January, 1773.

HOMICIDE.

In China, all acts of Homicide, whether intentional or accidental, is punished with death by the cord. See CORD. *Editor.*

In all cases where the homicide does not amount to murder or manslaughter, the judges permit, nay even

even direct, a verdict of acquittal. But it appears more consonant with the sound principles of justice that the law itself should be precise, than that the property of a man should, in cases of misadventure, chance-medley, and self-defence, depend upon the construction of a judge, or the lenity of a jury; some alteration, therefore, in the existing laws seems called for in this particular. *Colquhoun.*

See CHANCE-MEDLEY and MISADVENTURE.

HOUSEBREAKING. See LARCENY.

HOUSES OF CORRECTION.

The legislature uncertain of their success in punishing convicts at the hulks, and wishing to make other experiments, by an act of 16 Geo. III. cap. 43, empowered the justices of every county in England to prepare houses of correction for the reception of convicts under sentence of death, to whom his majesty should extend his royal mercy; to be kept at hard labour for a term not exceeding ten years.

The same act, among many other excellent regulations, ordered the convicts to be kept separate, and not allowed to mix with any offenders convicted of crimes less than larceny; and that they should be fed with coarse inferior food, water, and small beer; without permission to have any other food, drink, or cloathing, than that allowed by the act, under certain penalties: they were to be clothed at the public expence.

And, as an encouragement to these delinquents, while such as refused to work were to receive corporal punishment, those who behaved well had not only the prospect held out of shortening the period
of

of their confinement, but also were to receive decent clothes, and a sum of money not less than forty shillings, nor more than five pounds, when discharged.

This well-intentioned act, which certainly admits of many improvements, was followed up, three years afterwards, by another statute, 19 Geo. III. cap. 74, which had two very important objects in view.

The first was to erect, in some convenient common or waste ground, in either of the counties of Middlesex, Essex, Kent, or Surry, two large Penitentiary Houses, the one to hold six hundred male, and the other three hundred female, convicts, with proper storehouses, workhouses, and lodging rooms; an infirmary, chapel, and burying-ground; a prison, kitchen-garden, and airing-grounds; with proper offices, and other necessary apartments.

The expence of these grounds and erections was to be paid out of the treasury; and his majesty was empowered to appoint three persons as a committee of management for regulating the establishment, under the controul of the justices of the peace of the county and judges of assize, with power to appoint a clerk, governor, chaplain, surgeon, or apothecary, store-keepers, and task masters; and also a matron for the females; and to allow salaries to each, which were to be paid out of the profits of the work to be performed by the convicts.

As soon as the buildings should be completed, the court before whom any person was convicted for a transportable offence might, in lieu thereof, order the prisoner to be punished by confinement in any of these penitentiary houses, there to be kept to hard labour in the proportion of five years instead

stead of seven years' transportation; and not exceeding seven years in lieu of fourteen years' transportation; limiting at the same time the number of convicts to be sent annually from the circuits in the country, and from the different sessions in the metropolis.

This act lays down various specific rules for the government of the establishment, and for the employment of the prisoners; and the following works, as being of the most servile kind and least liable to be spoiled by ignorance, neglect, or obstinacy, are selected; namely:—

1. Treading in a wheel for moving machinery.
2. Drawing in a capstan, for turning a mill or engine.
3. Sawing stone.
4. Polishing marble.
5. Beating hemp.
6. Rasping logwood.
7. Chopping rags.
8. Making cordage.
9. Picking oakum.
10. Weaving sacks.
11. Knitting nets, &c. &c.

The food of the different offenders, as in the former act, was limited to bread and any coarse meat, with water and small beer; and the prisoners were to be clothed in uniform apparel; with badges affixed, agreeable to the institution.

Certain other rules were established for the discipline of the house, under the direction of the committee to be appointed by his majesty; who were to attend every fortnight, and to have power to reward such offenders as should appear most diligent and meritorious, by giving them a part of their earnings; to be applied for the use of themselves and families.

And when an offender should be discharged, decent clothing was to be delivered to him, with a sum of money for present subsistence, not less than twenty shillings nor more than three pounds.

An enormous expence has been incurred in building

ing penitentiary-houses in various counties, and many philanthropic individuals have exerted their best endeavours to carry this act into execution; but it is to be lamented, that crimes have been by no means diminished. The fact is, that the system is erroneous; responsibility is nowhere established; no uniformity of system prevails, and no general superintendence, or centre point, exists. Like the poor laws, the only part of the act which is rigidly carried into execution is, raising a fund; which, without imputing blame to magistrates, for the error is in the system, has increased the expence of this branch of the police of the country very far beyond what could have been conceived; and it now becomes a heavy burthen upon many of the counties. The reform began at the wrong end. The same expence applied in establishing a system of preventive police ought to render numerous penitentiary-houses in a great measure unnecessary.

Colquhoun.

HUE AND CRY. See ARRESTS FOR FELONY.

HULKS.

The convicts having accumulated greatly in the year 1776, and the intercourse with America being shut up, it became indispensably necessary to resort to some other expedient; and in the choice of difficulties the system of the hulks was suggested and first adopted under the authority of an act of the 16th of his present majesty.

The system of the hulks commenced on the 12th day of July, in the year 1776; and from that time until the 12th of December, 1795, comprehending a period of nineteen years, 7999 convicts were ordered to be punished by hard labour on
the

HULKS.

147

the river Thames and Langston and Portsmouth harbours, which are accounted for in the following manner :

1. Convicts ordered to hard labour on the river Thames, from 12th July, 1776, to the 12th January, 1778	2024
2. Convicts, under sentence of transportation, put on board the hulks on the river Thames, from 11th January, 1783, to 12th December, 1795	4775
3. Deduct, under sentence of transportation, put on board the hulks in Langston and Portsmouth harbours, received from the hulks at Woolwich, on the 20th of June, 1791	466
	4309

Additional convicts sent from different prisons to Portsmouth and Langston, from 1791 to 1st December, 1795

1200

To which, add those from Woolwich, as above

466

1666

Total 7999

Of the above convicts there have been

Discharged	1610
Pardoned	790
Escaped	130

2530

0 2

Brought

Brought over	—	—	2530
Removed to other Gaols	—	—	17
Transported to New South Wales	—	—	2207
Died *	—	—	1946

 6799

And there remain in the hulks

on the Thames — 523

And at Langston harbour 776

 1299

Total as above

7999

By a subsequent account laid before the Select Committee of the House of Commons on Finance, and stated in Appendix M, of their 28th Report, dated the 26th of June, 1798, it appears that the number of convicts stood thus :

In the hulks on the Thames, at Wool-

wich — — 502

At Portsmouth — — 948

 Total 1449

Besides 415 under sentence of transportation in the different gaols, making in all 1864.

From the same authentic documents, pages 115, 116, it appears, that of these convicts the following numbers will be discharged upon society in the succeeding thirteen years :

 Portsmouth

* A malignant fever at one period carried off a vast number, in spite of every effort to prevent it:

		Portsmouth.		Woolwich.
In 1800	—	140	—	115
1801	—	106	—	43
1802	—	127	—	26
1803	—	107	—	46
1804	—	140	—	77
1805	—	33	—	3
1806	—	1	—	1
1807	—	1	—	1
1808	—	1	—	1
1809	—	1	—	0
1810	—	1	—	0
1811	—	10	—	4
1812	—	1	—	0
		678		317
For life	—	76	—	22

Recapitulation.

Convicts discharged from the hulks, from	—
1792 to 1799, inclusive	1383
To be discharged from the hulks at Lang-	—
ston, chiefly in six years	678
From Woolwich, chiefly within the same	—
period	317
Total	2378

In the same authentic documents, namely the Appendix (L. 1 and 2), page 103 of the 28th Report of the Select Committee on Finance, a Statement is given of the Expence which has been incurred by government, "for or in respect of the conviction, confinement, and maintenance, of convicts, from the 1st January, 1775, to the year ending the 31st December, 1797," of which the following is an abstract:

1 Jan. 1776 to 1 Jan. 1776	paid	£.	S.	D.
at the Exchequer		8,660	0	0
1776	1777	7,950	16	10
1777	1778	13,676	14	5
1778	1779	17,939	18	0
1779	1780	22,292	11	1
1780	1781	21,034	0	1
1781	1782	18,686	19	0
1782	1783	22,320	10	9
1783	1784	17,669	3	11
1784	1785	31,555	18	11
1785	1786	32,343	17	7
to 7 March	1786	9,353	17	0
to 31 December	1786	22,282	18	4
	1787	33,927	9	7
	1788	34,959	14	8
	1789	62,656	15	5
	1790	46,865	4	6
	1791	43,840	9	0
	1792	27,300	12	7
	1793	25,403	16	0
	1794	25,751	3	7
	1795	14,195	7	4
	1796	36,174	7	9
	1797	19,506	15	11
	1797	12,574	0	0

Total expence of convicts in the
hulks, from the commence-
ment of the system to 1 Jan.
1798

623,023 14 3

The contractors for the convicts at Woolwich and Langston harbour, as appears from documents laid before the house of commons, entered into an agreement with the lords of the treasury, obliging themselves,

themselves, for the consideration of 1s. 3d. per day, being 22l. 16s. 3d. a year for each convict, to provide, at their own cost or charge, one or more hulks, to keep the same in proper repair, to provide proper ship's companies for the safe custody of such convicts, and sufficient meat, drink, clothing, and medical assistance, for the convicts; as also to sustain all other charges, excepting the expence of the chaplain, coroner, and bounties to discharged convicts,* obeying, at the same time, all the orders of his majesty's principal secretary of state for the home department, respecting the convicts. A subsequent contract was made at 144d. which reduced the expence to 22l. 1s. per man; and which is the allowance made to the present contractors.

The terms of these contracts appear to be as favourable to government as could reasonably be expected, under all circumstances; and it would appear that some advantages are reaped by the public, as the documents laid before the house of commons, in 1792 and 1798, shew that the labour performed by the convicts is productive in a certain degree. The following statements explain how their labour is valued :

From

* This expence, by an account laid before the house of commons, for one year, ending the 15th Feb, 1792, appears to be—

Expence of chaplain, coroner, and	£.	S.	D.
bounties for convicts, at Woolwich	221	17	4.
At Langston and Portsmouth harbours	153	19	2

Total 375 17 0

From the 1st of January, 1789, to the 1st of January, 1792, it appears that 653,432 days' work had been performed at Langston harbour, Portsmouth, and Woolwich Warren; which being estimated at 5d. a day, is

£. S. D.
24,503 14 0

and

From the 1st of January, 1789, to the 1st of January, 1792, it also appears that 260,440 days' work had been performed at the dock-yard at Woolwich; which, being partly performed by artificers in a more productive species of labour, is estimated at 1s. a day

— — 13,022 0 0

Total value of convicts' labour in 3 years

37,525 14 0

It appears, from the 28th Report of the Select Committee on Finance, Appendix, No. 7 and 8,

That the work done by convicts confined on board the hulks in Langston harbour, during the year 1797, was performed by about 421 convicts upon a daily average; and computing the labour of each artificer at 19l.8s.9d. per annum, and each labourer at 11l.13s.3d. it will amount to

— — 5,997 18 3

The work performed in the same year by about 250 convicts, con-

fined

Brought over	—	£. 5,997	18	3
fin'd on board the hulks at Portsmouth, computed as above, will amount to	—	3,226	15	0
		9,224	13	3

From which is to be deducted, to make the amount correspond with the valuation made by the ordnance board	—	1,440	5	3
		7,784	8	0

The work done by convicts, con- fin'd on board the Prudentia and Stanislaus hulks at Wool- wich dock-yards and warren, performed by 359 convicts, rated at 1s. and 1s. 2d. for labourers, and 1s. 5d. per day for artificers, is calculated to amount to		6,578	4	7
		14,362	12	7

Deduct allowances made and arti- cles supplied by the board of ordnance	—	1,498	14	10
---	---	-------	----	----

Total estimate of the value of the labour of convicts in 1797		12,863	17	8
--	--	--------	----	---

Upon this last statement, the Select Committee on Finance, whose various elaborate Reports on the State of the Nation do them immortal honour as patriots and legislators, very justly observe, that it is extremely difficult to calculate the value of labour performed under such circumstances with any degree

gree of accuracy ; and, after several views of the subject, a conclusion is drawn, that the net expense to the public, for the maintenance of 1402 convicts in 1797, after deducting the estimated value of labour, amounted to 20,878l. 14s. 10d. being at the rate of 14l. 17s. 9d. per man.

It appears, however, that out of the whole number of 1402 maintained in 1797, only 1030 were actually employed. The labour of the remaining 370 was therefore in a great measure lost to the community.

At any rate, the value of this species of labour must be precarious, and the advantages resulting from it problematical. *Colquhoun.*

In addition to the enormous evil arising from the periodical discharge of so many criminals by proclamations, acquittals, and pardons, the hulks also send forth, at stated times, a certain number of convicts ; who, having no asylum, no home, no character, and no means of subsistence, seem to have only the alternative of starving or joining their companions in iniquity ; thus adding strength to the body of criminals, by the accession of men who, polluted and depraved by every human vice, rendered familiar to their minds in those seminaries of profligacy and wickedness from whence they have come, employ themselves constantly in planning and executing acts of violence and depredation upon the public ; and some of them, rendered desperate from an additional degree of depravity, feel no compunction in adding the crimes of murder to that of robbery, as has been too clearly manifested by many late instances. *Ibid.*

IDLE

IDLE AND DISORDERLY PERSONS

Described by the act of the 17th Geo. II. cap. 5. and subsequent acts; punishable with one month's imprisonment; namely,

1. Persons threatening to run away, and leave their wives and children on the parish.
2. Persons who tittle in ale-houses, and neglect their families, &c. as described in the 3d Geo. III. cap. 45.
3. Persons who shall unlawfully return to the parish or place from which they have been legally removed, without bringing a certificate.
4. Persons who, not having wherewithal to maintain themselves, live idly, without employment, and refuse to work for the usual wages.
5. Persons begging in the streets, highways, &c.

Colquhoun.

IMPOSTORS.

These are men who assume false characters, titles, &c. for the purpose of taking in the unwary. See HAWKINS, vol. i.

In September, 1801, the parish of St. Martin was thrown into the greatest consternation by the discovery of a gross impostor, who acted as clergyman of the parish, and deputy of the curate during his indisposition, though he had never been in orders or connected with the holy profession. He had married a great many couples, whose marriages were consequently void.

This impostor actually officiated a month for the curate of St. Martin's church. He was the son of an eminent currier in Crooked-Lane. He had ingenuity enough to introduce himself to Mr. Fell, the curate,

curate, as a countryman of his (Yorkshire), saying, he was nephew to Lord Eldon, and had been in orders near twelve months, having been ordained by the Bishop of Peterborough. Mr. Fell, struck with the rank of his visitor, paid him every mark of respect, expressed how much he felt honoured by the preference shewn to him, and accepted the proffered assistance the more readily, being at the time in ill health. Every thing was settled, and the pretended nephew of Lord Eldon entered into his clerical duty the next day, by performing the marriage ceremony over nineteen couple, administering the sacrament to four persons, christening several, and burying twelve. In a conversation the next day with his clerk, he said, that he was educated at Queen's College, Cambridge, where he had taken his degree of Bachelor of Arts about a month before. On the Saturday following, he went to a mercer's shop in Holywell-Street, in the Strand, and ordered a set of canonicals, to be made by four o'clock in the afternoon; in the interim, he borrowed a set, told the shopkeeper his name was Smith, and that he was chaplain to Lord Eldon.

The mercer took the trouble to call at Lord Eldon's, to make the enquiry; when the steward informed him no person of the name of Smith was engaged by his lordship in that capacity. In consequence of this information, the mercer called, on his way back, on the deputy curate of St. Martin's, and saw Mr. Smith in the vestry; when he told him he had an opportunity of disposing of the set of canonicals he had lent him in the morning; but, to prevent Mr. Smith's being put to any inconvenience, he should have the set he had ordered by three o'clock precisely. By this means, the mercer got back his goods.

This new species of depredation might have continued a short time longer, had not the forged draft exposed the character of the party, and occasioned an enquiry; from which it was discovered, that the hero in question was educated at Peckham school, and had been employed as a rider to a wholesale house in the city.

During the time this impostor officiated as a priest, he was very attentive to duty, read prayers morning and afternoon; with administering the sacrament, attending christenings and burials, marriages, &c. his time was wholly taken up. The clerk was known to say, he was a little awkward at first, but respect for the dignity of his new master prevented comment, and rendered him extremely willing to give every assistance in his power.

The above impostor was only twenty-three years of age, middle stature, in person thin, and, when he stood at the bar at Bow-Street, stared around him with an unmeaning eye, apparently quite indifferent as to his situation. *Editor.*

IMPRISONMENT.

When a criminal is condemned to severe imprisonment in Germany, he has no bed but the floor, no nourishment but bread and water; and all communications with relations or even strangers is refused him. When condemned to milder imprisonment, better nourishment is allowed; but he has nothing to drink but water.

Imprisonment is a punishment which differs from all others in this particular, that it necessarily precedes conviction; but this difference does not destroy a circumstance which is essential and common to it with all other punishments, viz. that it should

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never

never be inflicted but when ordained by the law. The law should therefore determine the crime, the presumption, and the evidence, sufficient to subject the accused to imprisonment and examination. Public report, his flight, his extrajudicial confession, that of an accomplice, menaces, and his constant enmity with the person injured, the circumstances of the crime, and such other evidence, may be sufficient to justify the imprisonment of a citizen. But the nature of this evidence should be determined by the laws, and not by the magistrates, whose decrees are always contrary to political liberty when they are not particular applications of a general maxim of the public code. When punishments become less severe and prisons less horrible, when compassion and humanity shall penetrate the iron gates of dungeons, and direct the obdurate and inexorable ministers of justice, the laws may then be satisfied with weaker evidence for imprisonment.

A person accused, imprisoned, tried, and acquitted, ought not to be branded with any degree of infamy. Among the Romans, we see that many accused of very great crimes, and afterwards declared innocent, were respected by the people, and honoured with employments in the state. But why is the fate of an innocent person so different in this age?—it is because the present system of penal laws presents to our minds an idea of power rather than of justice: it is because the accused and convicted are thrown indiscriminately into the same prison; because imprisonment is rather a punishment than a means of securing the person of the accused; and because the interior power, which defends the laws, and the exterior, which defends the throne and kingdom, are separate, when they should be united. *Beccaria.*

See

See HOUSES OF CORRECTION, PRISONERS,
&c. &c.

IMPRISONMENT FOR DEBT.

The bankrupt who, after a short examination, has proved, before proper judges, that either the fraud or losses of others, or misfortunes unavoidable by human prudence, have stripped him of his substance—upon what barbarous pretence is he thrown into prison, and thus deprived of the only remaining good, the melancholy enjoyment of mere liberty? why is he ranked with criminals, and, in despair, compelled to repent of his honesty? Let his debt, if you will, not be considered as cancelled, till the payment of the whole; let him be refused the liberty of leaving the country without leave of his creditors, or of carrying into another nation that industry which, under a penalty, he should be obliged to employ for their benefit; but what pretence can justify the depriving an innocent though unfortunate man of his liberty, without the least utility to his creditors? *Beccaria.*

INQUISITION, THE,

Is a tribunal in several Roman Catholic countries, erected by the popes for the examination and punishment of heretics.

This court was founded in the twelfth century, by Father Dominic and his followers, who were sent by Pope Innocent III with orders to excite the catholic princes and people to extirpate heretics, to search into their number and quality, and to transmit a faithful account thereof to Rome. Hence they were called inquisitors; and this gave birth to the formidable tribunal of the inquisition, which

was received in all Italy and the dominions of Spain, except the kingdom of Naples and the Low Countries.

This diabolical tribunal takes cognizance of heresy, judaism, mahometanism, sodomy, and polygamy; and the people stand in so much fear of it, that parents deliver up their children, husbands their wives, and masters their servants, to its officers, without daring in the least to murmur. The prisoners are kept for a long time, till they themselves turn their own accusers, and declare the cause of their imprisonment; for they are neither told their crime nor confronted with witnesses. As soon as they are imprisoned, their friends go into mourning, and speak of them as dead, not daring to solicit their pardon, lest they should be brought in as accomplices. When there is no shadow of proof against the pretended criminal, he is discharged, after suffering the most cruel tortures, a tedious and dreadful imprisonment, and the loss of the greatest part of his effects. The sentence against the prisoners is pronounced publicly, and with extraordinary solemnity. In Portugal, they erect a theatre capable of holding three thousand persons; in which they place a rich altar, and raise seats on each side in the form of an amphitheatre. There the prisoners are placed; and over against them is a high chair, whither they are called, one by one, to hear their doom from one of the inquisitors.

These unhappy people know what they are to suffer by the clothes they wear that day. Those who appear in their own clothes are discharged, upon payment of a fine; those who have a *santo benito*, or strait yellow coat without sleeves, charged with St. Andrew's cross, have their lives; but forfeit all their effects; those who have the resemblance

resemblance of flames, made of red serge, sewed upon their *santo benito*, without any cross, are pardoned, but threatened to be burnt if ever they relapse; but those who, besides these flames, have on their *santo benito* their own picture, surrounded with figures of devils, are condemned to expire in the flames. The inquisitors, who are ecclesiastics, do not pronounce the sentence of death, but form and read an act, in which they say, that the criminal, being convicted of such a crime, by his own confession, is with much reluctance delivered to the secular power, to be punished according to his demerits; and this writing they give to the seven judges who attend at the right side of the altar, who immediately pass sentence.

The *Act of Faith* (*Auto da Fe*) is a solemn day held by the inquisition for the punishment of heretics and the absolution of the innocent accused. They usually contrive the *Auto* to fall on some great festival, that the execution may pass with the more awe and regard; at least, it is always on a Sunday.

The *Auto da Fe* may be called the last act of the inquisitorial tragedy; it is a kind of gaol-delivery, appointed as oft as a competent number of prisoners in the inquisition are convicted of heresy, either by their own voluntary or extorted confession, or on the evidence of certain witnesses. The process is thus.—In the morning, they are brought into a great hall, where they have certain habits put on, which they are to wear in the procession. The procession is led up by dominican friars; after which come the penitents, some with *san-benitos* and some without, according to the nature of their crimes; being all in black coats without sleeves, and bare-footed, with a wax candle in their hands.

These are followed by the penitents who have narrowly escaped being burnt, who, over their black coats, have flames painted, with their points turned downwards, *Fuego revuelto*. Next come the negative and relapsed, who are to be burnt, having flames on their habits pointing upwards. After these, come such as profess doctrines contrary to the faith of Rome, who, besides flames pointing upwards, have their picture painted on their breasts, with gods, serpents, and devils, all open-mouthed, about it. Each prisoner is attended with a familiar of the inquisition; and those to be burnt have also a jesuit on each hand, who are continually preaching to them to abjure. After the prisoners, come a troop of familiars on horseback; and after them, the inquisitors, and other officers of the court, on mules; last of all, the inquisitor-general on a white horse, led by two men with black hats and green hatbands. A scaffold is erected in the Terriero de Paio, big enough for two or three thousand people, at one end of which are the prisoners, at the other the inquisitors. After a sermon, made up of encomiums of the inquisition and invectives against heretics, a priest ascends a desk near the middle of the scaffold, and, having taken the abjuration of the penitents, recites the final sentence of those who are to be put to death; and delivers them to the secular arm, earnestly beseeching at the same time the secular power not to touch their blood or put their lives in danger. The prisoners, being thus in the hands of the civil magistrate, are presently loaded with chains, and carried first to the secular gaol, and from thence, in an hour or two, brought before the civil judge; who, after asking in what religion they intend to die, pronounces sentence, on such as declare they die in the communion

tion of the church of Rome, that they shall be first strangled, and then burnt to ashes; on such as die in any other faith, that they be burnt alive. Both are immediately carried to the Ribera, the place of execution; where there are as many stakes set up as there are prisoners to be burnt, with a quantity of dry furze about them. The stakes of the professed, that is, such as persist in their heresy, are about four yards high, having a small board towards the top, for the prisoner to be seated on. The negative and relapsed being first strangled and burnt, the professed mount their stakes by a ladder; and the jesuits, after several repeated exhortations to be reconciled to the church, part with them, telling them they leave them to the devil, who is standing at their elbow to receive their souls, and carry them with him into the flames of hell. On this, a great shout is raised; and the cry is, 'Let the dogs' *beards be made*;' which is done by thrusting flaming furzes, fastened to long poles, against their faces, till their faces are burnt to a coal, which is accompanied with the loudest acclamations of joy. At last, fire is set to the furze at the bottom of the stake, over which the professed are chained so high, that the top of the flame seldom reaches higher than the seat they sit on; so that they rather seem roasted than burnt. There cannot be a more lamentable spectacle; the sufferers continually cry out, while they are able, *Miserordia per amor de Dios!* 'Pity for the love of God!' yet it is beheld by all sexes and ages with transports of joy and satisfaction!

INTERROGATIONS.

The laws forbid suggestive interrogations; that

is, according to the civilians, questions which, with regard to the circumstances of the crime, are special when they should be general; or, in other words, those questions which, having an immediate reference to the crime, suggest to the criminal an immediate answer. Interrogations, according to the law, ought to lead to the fact indirectly and obliquely, but never directly or immediately. The intent of this injunction is, either that they should not suggest to the accused an immediate answer that might acquit him, or that they think it contrary to nature that a man should accuse himself. But, whatever be the motive, the laws* have fallen into a palpable contradiction, in condemning suggestive interrogations, whilst they authorize torture. Can there be an interrogation more suggestive than pain? Torture will suggest to a robust villain an obstinate silence, that he may exchange a greater punishment for a less; and to a feeble man, confession, to relieve him from the present pain, which affects him more than the apprehension of the future. If a special interrogation be contrary to the right of nature, as it obliges a man to accuse himself, torture will certainly do it more effectually. But men are influenced more by the names than the nature of things.

He who obstinately refuses to answer the interrogatories deserves a punishment, which should be fixed by the laws, and that of the severest kind, that criminals should not, by their silence, evade the example which they owe the public. But this punishment is not necessary when the guilt of the criminal

* The author alludes to the laws of his own country. *Editor.*

criminal is indisputable; because in that case interrogation is useless, as is likewise his confession, when there are, without it, proofs sufficient. This last case is most common, for experience shews, that in the greatest number of criminal prosecutions the culprit pleads not guilty. *Beccaria.*

IRON BAR. See CHAIN.

JEWISH LAWS.

By the Jewish law, it was death for children to curse or strike their parents.

By the Jewish law, murder was punished by death, also sodomy and rapes; but if a virgin was deflowered without force, the offender was obliged to pay a fine and marry the woman.

By the Jewish law, theft was punished at discretion, a fine being also levied according to the nature of the offence; but where *man* were stolen this theft was punished with death. *Colquhoun.*

JEW, ITINERANT,

A class of cheats of the society of Jews, who are to be found in every street, lane, and alley, in and near the metropolis, under the pretence of purchasing old clothes and metals of different sorts. Their chief business, really, is to prowl about the houses and stables of men of rank and fortune, for the purpose of holding out temptations to the servants to pilfer and steal small articles, not likely to be missed, which these Jews purchase at about one third of the real value. It is supposed that upwards of fifteen hundred of these depraved people are employed in diurnal journeys of this kind; by which, through

through the medium of bad money and other fraudulent dealings, many of them acquire property, and then set up shops, and become receivers of stolen goods.

It is estimated that there are from fifteen to twenty thousand Jews in the city of London, besides, perhaps, about five or six thousand more in the great provincial and sea-port towns; where there are at least twenty synagogues, besides six in the metropolis. Most of the lower classes of those distinguished by the name of German or Dutch Jews live chiefly by their wits, and establish a system of mischievous intercourse all over the country, the better to carry on their fraudulent designs in the circulation of base money, the sale of stolen goods, and in the purchase of metals of various kinds; as well as other articles, pilfered from the dock-yards, and stolen in the provincial towns, which they bring to the metropolis to elude detection—and vice versa.

Educated in idleness from their earliest infancy, they acquire every debauched and vicious principle which can fit them for the most complicated arts of fraud and deception; to which they seldom fail to add the crime of perjury, whenever it can be of use, in shielding themselves or their associates from the punishment of the law. From the orange-boy and the retailer of seals, razors, glass, and other wares, in the public streets, to the shop-keeper, dealer in wearing apparel, or in silver and gold, the same principles of conduct too generally prevail.

The itinerants utter base money, to enable them, by selling cheap, to dispose of their goods; while those that are stationary, with very few exceptions, receive and purchase, at an under-price, whatever is brought them, without asking questions. *Col. Guboun.*

KING

KING'S EVIDENCE. See ACCOMPLICES.

KING'S STORES, STOLEN, EMBEZZLED, &c. IN
THE THAMES.

The naval, victualling, and ordnance, stores pillaged in the dock-yards and other public repositories, and also from ships of war, transports, and navy and victualling hoys, in the river Thames and Medway, must amount to a very large sum annually. The detections, particularly in the victualling hoys and transports, since the establishment of the marine police, prove the existence of the evil and the wide field which it embraces.

The vicinity of the metropolis, the assistance afforded by old iron and store shops on the spot, by carts employed in this trade alone, constantly going and coming from and to the capital—by the advantage of an easy and safe conveyance for ponderous and heavy articles, in lighters and other craft passing up and down the river, and the extensive chain of criminal connection at every town and village on the Thames and Medway, which a course of many years has formed, joined to the ease with which frauds are committed, have combined to render this nefarious traffic a very serious and alarming evil.

Among the multitude of persons concerned in it, some are said to keep men constantly employed in untwisting the cordage, for the purpose of removing the king's mark, or coloured stran, which is introduced into it as a check against fraud; while others are, in like manner, employed in knocking the Broad Arrow out of copper bolts, nails, bar iron, and other articles on which it is impressed, so as to elude detection.

It is scarcely to be credited to what an extent the sale of the cordage, sail-cloth, and other naval articles, including victualling stores, thus plundered, is carried, in supplying coasting vessels and smaller craft upon the river Thames at a cheap rate.

If the actual value of stores deposited at the different dock-yards and public repositories in the course of a year is to be considered as a rule whereby a judgment may be formed of the extent of the losses sustained by frauds, plunder, and embezzlement, it will be found to be very erroneous, since a large proportion of what forms the great aggregate loss sustained annually by government, does not arise from the actual stealing of stores, but from frauds committed in fabricating documents both at home and abroad. *Colquhoun.*

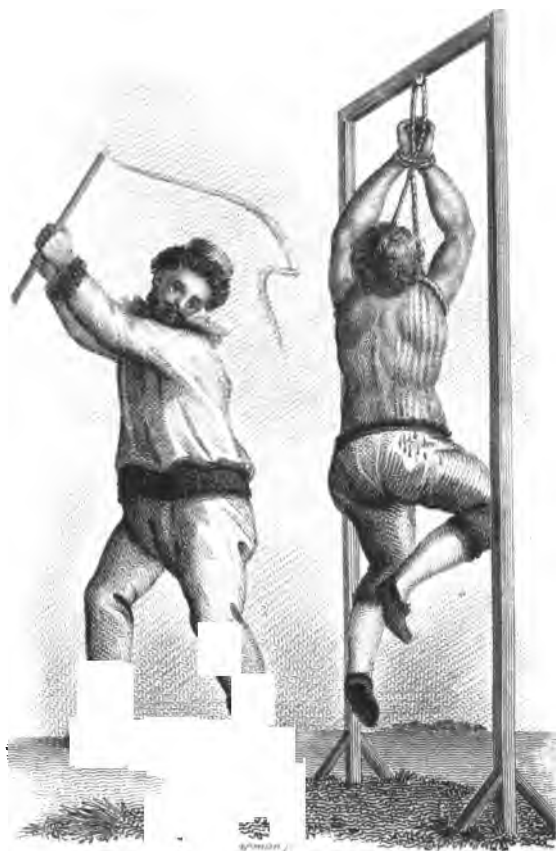
The acts of the 31st of Elizabeth, cap. 4. and the 22d of Charles II, cap. 5. made it felony, without benefit of clergy, to steal or embezzle any of his majesty's military or naval stores or provisions, above the value of twenty shillings.

By the 9 and 10 of William III, cap. 41. the receivers of embezzled stores, or such as should have the same in their custody, are subject to a penalty of 200l.

From this period, till the 1st of George the First, the attention of the legislature does not seem to have been directed to this object; when, by the statute, 1st Geo. I, stat. 2. cap. 25. the principal officers or commissioners of the navy were authorized to issue warrants to search for public property stolen or embezzled, and to punish the offenders by fine or imprisonment.

A succeeding act, 9 Geo. I, cap. 8. empowered the judges to mitigate the fine of 200l. imposed on





THE KNOT

on persons having in their possession public stores, and to punish the offender, corporally, by causing them to be publicly whipped, or kept at hard labour for six months in the house of correction; which certainly was a great improvement.

By the act 17 Geo. II, c. 40. jurisdiction was given to the judges of assize and the general quarter sessions to try the offenders, and punish them by a fine not exceeding 200*l.* imprisonment for three months, and other corporal punishment.

The laws on this subject were further amended by the 9th of his present majesty, cap. 35. by which the treasurer, comptroller, surveyor, clerk of the acts, or any commissioner, of the navy are empowered to act as justices, in causing offenders to be apprehended and prosecuted. These powers were given with a view to establish a greater degree of energy in detections; but experience has shewn that the purpose has not been answered.

The last act which relates to the protection of the public stores was made the 12th year of his present majesty's reign, cap. 24. and related solely to burning ships, warehouses, and naval, military, or victualing, stores, in any of the dominions of the crown; which offence is made felony without benefit of clergy. *Ibid.*

KNOUT.

The name of a punishment inflicted in Russia, with a whip called *knout*, and made of a long strap of leather made for this purpose. With this whip, the executioners dexterously carry off a slip of skin
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from the neck to the bottom of the back, laid bare to the waist; and, repeating their blows, in a little while rend away all the skin off the back in parallel stripes. In the common knout, the criminal receives the lashes suspended on the back of one of the executioners; but in the great knout, which is generally used on the same occasions as racking on the wheel in France, the criminal is hoisted into the air, by means of a pulley fixed to the gallows, and a cord fastened to the two wrists tied together and another, of a crucial form, under his breast. Sometimes his hands are tied behind, over his back; and when he is pulled up in this position, his shoulders are dislocated. The executioners make this punishment more or less cruel; and it is said are so dexterous, that when a criminal is condemned to die, they can make him expire at pleasure, either by one or several lashes.

LARCENY.

Simple larceny is divided into two sorts; 1st, Grand Larceny, and 2^d, Petit Larceny. The first is defined to be—the felonious taking and carrying away the mere personal property or goods of another, above the value of twelve pence. This offence is capital, and punished with death and the forfeiture of property.

Petit Larceny is where the goods, taken in the above manner, are under the value of twelve pence; in which case, the punishment, according to the circumstances of atrocity attending the offence, is imprisonment, whipping, or transportation, with forfeiture of goods and chattels.

Thus it appears, that, by the rigour of the law, treating the least trifles above 12d, subjects the offender

offender to the loss of life ; a punishment apparently repugnant to reason, policy, or justice ; more especially when it is considered, that at the time this Anglo Saxon Law was made, in the reign of Athelstan, 860 years ago, one shilling was of more value, according to the price of labour, than seventy-five shillings are at the present period ; the life of man, therefore, may be justly said to be seventy-five times cheaper than it was when this mode of punishment was first established.

Mixed, or Compound, Larceny has a greater degree of guilt in it than simple larceny ; and may be committed, either by taking from a man or from his house. If a person is previously put in fear or assaulted, the crime is denominated robbery.

When a larceny is committed which does not put the party robbed in fear—it is done privately, and without his knowledge, by picking his pocket, or cutting the purse, and stealing from thence above the value of twelve pence ; or publicly, with the knowledge of the party, by stealing a hat or wig, and running away.

With respect to dwelling-houses, the common law has been altered by various acts of parliament, the multiplicity of which is apt to create confusion ; but, upon comparing them diligently, we may collect that the following domestic aggravations of larceny are punishable with death, without benefit of clergy.

First, larcenies above the value of twelve pence ; committed—1st. In a church or chapel, with or without violence or breaking the same : 23 Henry VIII, cap. 1 ; 1 Edward VI, cap. 12.—2d. In a booth or tent, in a market or fair, in the day time or in the night, by violence or breaking the same, the owner or some of his family being therein : 5

and 6 Edward VI, cap. 9.—3d. By robbing a dwelling house in the day time, which robbing implies a breaking, any person being therein: 3 and 4 William and Mary, cap. 9.—4th. By the same act (and see the act 23 Henry VIII, cap. 1.) in a dwelling house, by day or by night, without breaking the same, any person being therein, and put in fear; which amounts in law to a robbery; and in both these last cases, the accessory before the fact is also excluded from the benefit of clergy.

Secondly, larcenies to the value of five shillings; committed—1st. By breaking any dwelling house, or any outhouse, shop, or warehouse, thereunto belonging, in the day time, although no person be therein; which also now extends to aiders, abettors, and accessories before the fact: 39 Elizabeth, cap. 15; see also 3 and 4 William and Mary, cap. 9.—2d. By privately stealing goods, wares, or merchandise, in any shop, warehouse, coach-house, or stable, by day or night, though the same be not broken open and though no person be therein; which likewise extends to such as assist, hire, or command, the offence to be committed: 10 and 11 William III, cap. 23.

Lastly, larcenies to the value of forty shillings, from a dwelling house or its outhouses, although the same be not broken, and whether any person be therein or not; unless committed against their masters by apprentices under age of fifteen: 12 Anne, stat. 1. cap. 7. *Colquhoun.*

LAWS, THE, CONSIDERED.

The laws only can determine the punishment of crimes, and the authority of making penal laws can only reside with the legislator, who represents the

the whole society united by the social compact. No magistrate, then, as he is one of the society, can with justice inflict on any other member of the same society punishment that is not ordained by the laws. But as a punishment, increased beyond the degree fixed by the law, is an unjust punishment, it follows that no magistrate, even under a pretence of zeal, or the public good, should increase the punishment already determined by the laws.

If every individual be bound to society, society is equally bound to him, by a contract which, from its nature, equally binds both parties. This obligation, which descends from the throne to the cottage, and equally binds the highest and lowest of mankind, signifies nothing more than that it is the interest of all, that conventions which are useful to the greatest number should be punctually observed. The violation of this compact by an individual is an introduction to anarchy.

The sovereign, who represents the society itself, can only make general laws to bind the members; but it belongs not to him to judge whether any individual has violated the social compact or incurred the punishment in consequence. For in this case there are two parties, one represented by the sovereign, who insists upon the violation of the contract, and the other is the person accused, who denies it. It is necessary, then, that there should be a third person to decide this contest; that is to say, a judge, or magistrate, from whose determination there should be no appeal; and this determination should consist of a simple affirmation or negation of fact.

If it can only be proved, that the severity of punishments, though not immediately contrary to the public

public good, or to the end for which they were intended, viz. to prevent crimes, be useless, then such severity would be contrary to those beneficent virtues which are the consequence of enlightened reason, which instructs the sovereign to wish rather to govern men in a state of freedom and happiness than of slavery. It would also be contrary to justice and the social compact. *Beccaria*.

LAWS, INTERPRETATION OF.

Judges, in criminal cases, have no right to interpret the penal laws, because they are not legislators. They have not received the laws from our ancestors as a domestic tradition, or as the will of a testator, which his heirs and executors are to obey; but they receive them from a society actually existing, or from the sovereign, its representative. Even the authority of the laws is not founded on any pretended obligation or ancient convention; which must be null, as it cannot bind those who did not exist at the time of its institution; and unjust, as it would reduce men in the ages following to a herd of brutes, without any power of judging or acting. The laws receive their force and authority from an oath of fidelity, either tacit or expressed, which living subjects have sworn to their sovereign, in order to restrain the intestine fermentation of the private interests of individuals. From hence springs their true and natural authority. Who then is their lawful interpreter?—the sovereign, that is, the representative of society, and not the judge, whose office is only to examine if a man have or have not committed an action contrary to the laws.

In every criminal cause, the judge should reason syllogistically. The *major* should be the general law;

law; the *minor*, the conformity of the action, or its opposition to, the laws; the *conclusion*, liberty or punishment. If the judge be obliged by the imperfections of the laws, or chuses, to make any other or more syllogisms than this, it will be an introduction to uncertainty.

There is nothing more dangerous than the common axiom—the spirit of the laws is to be considered. To adopt it, is to give way to the torrent of opinions. This may seem a paradox to vulgar minds, which are more strongly affected by the smallest disorder before their eyes than by the most pernicious though remote consequences produced by one false principle adopted by a nation.

Our knowledge is in proportion to the number of our ideas. The more complex these are, the greater is the variety of positions in which they may be considered. Every man hath his own particular point of view, and, at different times, sees the same objects in very different lights. The spirit of the laws will then be the result of the good or bad logic of the judge; and this will depend on his good or bad digestion, on the violence of his passions, on the rank and condition of the accused, or on his connections with the judge, and on all those little circumstances which change the appearance of objects in the fluctuating mind of man. Hence we see the fate of a delinquent changed many times in passing through the different courts of judicature, and his life and liberty vicinias to the false ideas or ill humour of the judge, who mistakes the vague result of his own confused reasoning for the just interpretation of the laws. We see the same crimes punished in different manner at different times in the same tribunals, the consequence of, not having consulted the constant and invariable voice
of

of the laws, but the erring instability of arbitrary interpretation.

The disorders that may arise from a rigorous observance of the letter of penal laws are not to be compared with those produced by the interpretation of them. The first are temporary inconveniences, which will oblige the legislator to correct the letter of the law, the want of preciseness and uncertainty of which has occasioned these disorders; and this will put a stop to the fatal liberty of explaining, the source of arbitrary and venal declamations. When the code of laws is once fixed, it should be observed in the literal sense, and nothing more is left to the judge than to determine whether an action be or be not conformable to the written law. When the rule of right, which ought to direct the actions of the philosopher as well as the ignorant, is a matter of controversy, not of fact, the people are slaves to the magistrates. The despotism of this multitude of tyrants is more insupportable the less the distance is between the oppressor and the oppressed; more fatal than that of one, for the tyranny of many is not to be shaken off but by having recourse to that of one alone. It is more cruel, as it meets with more opposition; and the cruelty of a tyrant is not in proportion to his strength, but to the obstacles that oppose him.

These are the means by which security of person and property is best obtained, which is just, as it is the purpose of uniting in society; and it is useful, as each person may calculate exactly the inconveniences attending every crime. By these means, subjects will acquire a spirit of independence and liberty, however it may appear to those who dare to call the weakness of submitting blindly to their capricious and interested opinions by the sacred name of virtue, These

These principles will displease those who have made it a rule with themselves to transmit to their inferiors the tyranny they suffer from their superiors. *Beccaria.*

LAWS, OBSCURITY OF.

If the power of interpreting laws be an evil, obscurity in them must be another, as the former is the consequence of the latter. This evil will be still greater if the laws be written in a language unknown to the people; who, being ignorant of the consequences of their own actions, become necessarily dependent on a few, who are interpreters of the laws, which, instead of being public and general, are thus rendered private and particular. What must we think of mankind, when we reflect that such is the established custom of the greatest part of our polished and enlightened Europe? Crimes will be less frequent in proportion as the code of laws is more universally read and understood; for there is no doubt but that the eloquence of the passions is greatly assisted by the ignorance and uncertainty of punishment.

Hence it follows, that, without written laws, no society will ever acquire a fixed form of government in which the power is vested in the whole and not in any part of the society; and in which the laws are not to be altered but by the will of the whole, nor corrupted by the force of private interest. Experience and reason shew us, that the probability of human traditions diminishes in proportion as they are distant from their sources. How then can laws resist the inevitable force of time if there

there be not a lasting monument of the social compact? *Beccaria*.

LITTLE-GOES.

Several of the keepers of insurance offices, during the interval of the drawing of the English and Irish lotteries, have invented and set up private lotteries, or wheels, called by the nickname of little goes, containing blanks and prizes, which are drawn for the purpose of establishing a *ground for insurance*; the fever in the minds of the lower order of the people is thus kept up, in some measure, all the year round, and produces incalculable mischiefs; and hence the spirit of gambling becomes so rooted from habit, that no domestic distress, no consideration, arising either with the frauds that are practised, or the number of chances that are against them, will operate as a check upon their minds.

In spite of the high price of provisions and of the care and attention of the legislature in establishing severe checks and punishments for the purpose of preventing the evil of lottery insurances, these criminal agents feel no want of customers; their houses and offices are not only extremely numerous all over the metropolis, but in general high-rented; exhibiting the appearance of considerable expence, and barricaded in such a manner, with iron doors and other contrivances, as in many instances to defy the arm of the law to reach them.

In tracing all the circumstances connected with this interesting subject, with a view to the discovery of the cause of the great encouragement which these lottery insurers receive, it appears that a considerable

considerable proportion of their emolument is derived from menial servants in general, all over the metropolis; but particularly from the pampered male and female domestics in the houses of men of fashion and fortune; who are said, almost without a single exception, to be in the constant habit of insuring in the English and Irish lotteries.

This class of menials, being in many instances clothed as well as fed by their masters, have not the same calls upon them as labourers and mechanics, who must appropriate at least a part of their earnings to the purpose of obtaining both food and raiment.

With a spirit of gambling rendered more ardent than prevails in vulgar life, from the example of their superiors and from their idle and dissipated habits, these servants enter keenly into the lottery business; and when ill luck attends them, it is but too well known that many are led, step by step, to that point where they lose sight of all moral principle. Impelled by a desire to recover what they have lost, they are induced to raise money for that purpose by selling or pawning the property of their masters, wherever it can be pilfered in a little way, without detection; till at length this species of speculation, by being rendered familiar to their minds, generally terminates in more atrocious crimes.

Upon a supposition that one hundred thousand families in the metropolis keep two servants upon an average, and that one servant with another insures only to the extent of twenty-five shillings each in the English, and the same in the Irish, lottery, the aggregate of the whole will amount to **HALF A MILLION STERLING!**

Astonishing as this may appear at first view, it is believed that those who will minutely examine into
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the lottery transactions of their servants will find the calculation by no means exaggerated; and when to this are added the sums drawn from persons in the middle ranks of life, as well as from the numerous classes of labourers and artisans who have caught the mania, it ceases to be a matter of wonder, that so many sharpers, swindlers, and cheats, find encouragement in this particular department.

If servants in general, who are under the controul of masters, were prevented from following this abominable species of gambling, and if other expedients were adopted, a large proportion of the present race of rogues and vagabonds who follow this infamous trade would be compelled to become honest; and the poor would be shielded from the delusion which impels them to resort to this deceitful and fraudulent expedient; at the expence sometimes of pledging every article of household goods; as well as the last rag of their own and their children's wearing apparel, not leaving even a single change of raiment!

This view of a very prominent and alarming evil, known to exist from a variety of facts well established, and evinced, among others, by the pawn-brokers' shops overflowing with the goods of the labouring poor, during the drawing of the three lotteries, ought to create a strong desire on the part of all masters of families, to exert their utmost endeavours to check this destructive propensity, and to prevent, as far as possible, those distresses and mischiefs which every person of humanity must deplore. The misery and loss of property which springs from this delusive source of iniquity is certainly very far beyond any idea that can be formed of it by the common observer.

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In consequence of a very accurate inquiry which has been made, and of information derived from different sources, it appears that fraudulent lottery insurances have not diminished. The offices are numerous all over the metropolis, and are supposed to exceed four hundred of all descriptions; to many of which there are persons attached, called *Morocco Men*, who go about from house to house among their former customers, and attend in the back parlours of public-houses, where they are met by customers who make insurances. It is calculated that at these offices, exclusive of what is done at the *licensed* offices, premiums for insurance are received to the amount of eight hundred thousand pounds during the Irish lottery, and above one million during the English; upon which it is calculated that they make from 15 to 25 per cent. profit. This infamous confederacy was estimated, during the English lottery of the year 1796, to support about two thousand agents and clerks and nearly seven thousand five hundred *Morocco Men*, including a considerable number of hired *armed ruffians* and *Bludgeon Men*. These were paid by a general association of the principal proprietors of these fraudulent establishments, who regularly met in committee, in a well-known public-house in Oxford-Market, twice or thrice a week, during the drawing of the lottery, for the purpose of concerting measures to defeat the exertions of the magistrates, by alarming and terrifying, and even forcibly resisting, the officers of justice, in all instances where they could not be bribed by pecuniary gratuities; to effect which last purpose, neither money nor pains were spared; and the wretched agents of these unprincipled miscreants were, in many cases, prepared to commit murder, had attempts been made

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made to execute the warrants of magistrates; as can be proved by incontestible evidence. It is greatly to be feared, that too much success attended these corrupt and fraudulent proceedings, in violation and defiance of the laws of the kingdom.

Colquhoun.

MAGISTRATES, THEIR NUMBER, DUTY, &c.

Twenty-six magistrates, forming that respectable body, comprehending the lord mayor and aldermen, sit in rotation every forenoon, at the mansion-house and at Guildhall, and take cognizance of all matters of police within the ancient jurisdiction of the city of London; while twenty-six established magistrates, appointed for every other part of the metropolis, including the river police, having particular offices, or courts of justice, assigned them, at convenient distances in Westminster, Middlesex, and Surry, sit every day, Sunday excepted, both in the morning and evening, for the purpose of executing all the multifarious duties connected with the office of a justice of the peace, which unavoidably occur in large societies.

The marine police magistrates, on account of the extent of the establishment and the number of river officers under their controul, never leave the office from the time that business commences in the morning until a late hour in the evening.

This institution of established justices, except with regard to the three magistrates at Bow-Street and the justices at the marine police office, was suggested to the legislature in consequence of the pressure felt by the public from the want of some regular and properly-constituted tribunals for the distribution of justice, where the system should be uniform, and where the purity of the magistrates
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and their regular attendance might insure to the people the adjustment of their differences at the least possible expence, and the assistance of gratuitous advice in every difficulty ; as well as official aid in all cases within the sphere of the magistrates in their respective districts.

The duty of these established magistrates, in conjunction with other justices of the peace, who find it convenient to give their assistance, extends also to several important judicial proceedings ; where, in a great variety of instances, they are empowered and required to hear and determine in a summary way ; particularly in cases relative to the customs, excise, and stamps ; the game laws ; hawkers and pedlars ; pawnbrokers ; friendly societies ; highways ; hackney coaches, carts, and other carriages ; quakers and others refusing to pay tythes, appeals of defaulters in parochial rates ; misdemeanours committed by persons unlawfully pawning property not their own ; bakers for short weight, &c. ; journeymen leaving their services in different trades ; labourers not complying with their agreements ; disorderly apprentices ; alehouse keepers keeping disorderly houses ; nuisances by different acts of parliament ; acts of vagrancy by fraudulent lottery insurers ; fortune-tellers ; or persons of evil fame found in avenues to public places, with an intent to rob ; as well as a multitude of other offences, in which justices have power to proceed to conviction and punishment, either by fine or imprisonment.

The duty of the magistrates also extends to a vast number of other objects ; such as licensing public-houses, and establishing rules and orders for publicans ; watching over the conduct of publicans ; swearing in, charging, and instructing, parochial

constables and headboroughs from year to year, with regard to their duty; issuing warrants for privy searches; and in considering the cases of persons charged with being disorderly persons, or rogues and vagabonds, liable to be punished under the act of the 17th of George II, cap. 5, and subsequent acts of parliament; in making orders to parish officers, beadles, and constables, in a variety of cases; in parish removals; in billeting soldiers; in considering the cases of poor persons applying for assistance or admission to workhouses; in granting certificates and orders to the wives of persons serving in the militia, and also in attesting recruits for the army; in attending the general and quarter sessions of the peace, and in visiting the workhouses, bridewells, and prisons.

The magistrates at the marine police confine their attention almost wholly to the cognizance of offences either committed on the river or connected with maritime affairs and his majesty's stores in the public arsenals.

In addition to these various duties, many criminal cases occur in the course of a year which are examined for the purpose, if necessary, of being sent to superior tribunals for trial; such as charges of treason, murder, coining and uttering base money; arson, manslaughter, forgery, burglary, larceny, sedition; felonies of various descriptions, conspiracies, frauds, riots, assaults, and misdemeanors of different kinds: all which unavoidably impose upon every official magistrate a weight of business requiring great exertion and an unremitting attention to the public interest in the due execution of this very important trust.

When the police system was first established, in the year 1792, the public mind became impressed with

with an idea that the chief, if not the only, object of the institution was, to prevent robberies, burglaries, and other atrocious offences; and that the suppression of those crimes which bore hardest upon society and were most dreaded by the public at large, was to be the result. These expectations shewed that neither the powers nor authorities granted by the act of parliament, nor the other duties imposed upon the magistracy of the police, were understood. For this statute, useful as it certainly is, in a very high degree, in many other respects, does not contain even a single regulation applicable to the prevention of crimes, except that which relates to the apprehension of suspected characters, found in the avenues to public places, with intent to commit felony; who are liable to be punished as rogues and vagabonds; and even this provision does not extend to the city of London.

Colquhoun.

The greater the number of those who constitute the tribunal, the less is the danger of corruption; because the attempt will be more difficult and the power and temptation of each individual will be proportionably less. If the sovereign, by pomp and the austerity of edicts, and by refusing to hear the complaints of the oppressed, accustom his subjects to respect the magistrates more than the laws, the magistrates will gain indeed, but it will be at the expence of public and private security. *Beccaria.*

See LAWS, &c.

MAIL-ROBBERS.

These are daring offenders who stop mail coaches and plunder both travellers and the bag. By means of accomplices, who frequent the different inns, &c

they learn which of the travellers has most cash; and consequently he becomes the principal mark. About the year 1785, a gentleman travelling from Liverpool to London was informed by a genteel person at supper that there were several highwaymen on the road, and therefore he advised him to conceal his money, showing at the same time that he had sewed up his in a part of his coat. The gentleman, having thanked him for his advice, said he would put his into his boot. The coach having been stopped, and the money of the different passengers demanded, this gentleman gave a trifle, saying it was all he had; but the highwayman replied, "No, Sir; there is more in your boot." Since every mail-coach has now a guard, the number of these depredators has been considerably diminished. We shall here subjoin an account of three malefactors who suffered for this offence, and were afterwards hung in chains.

JOSEPH GUYANT was a native of Essex, descended from honest but poor parents, who gave him as good an education as consisted with their circumstances, and then bound him apprentice to a smith, with whom he served his time with fidelity, after which he laboured as a journeyman in his own profession.

Quitting the county of Essex, he repaired to Edmonton, near London, where he married, and commenced business on his own account. For a considerable time he was as successful in trade as could reasonably be expected, but at length sustained a loss to which he attributed all his future misfortunes.

Guyant, having been out receiving money from several people who employed him, was stopped on his return to his own house by two footpads, who robbed

robbed him of above sixty pounds, and then bound him to a tree. This loss was a matter of great importance to him; but it was still aggravated by the consequences that followed it; for, as the robbery happened in the day time, he was advised to sue the county, to indemnify him for the loss; but failing to adduce the necessary proofs, he lost his suit, and was involved in still farther difficulties by the consequence.

The expense of the suit being considerable, Guyant was arrested, and sought refuge in a prison. In consequence of a subscription among his friends, he removed himself to the Fleet, where he continued till an act for the relief of insolvent debtors enabled him to obtain his liberty.

He had at this time a family who were in want of the necessaries of life; but, during his imprisonment, he had acquired such a habit of idleness, that he was still less disposed to provide for them than before. At Edmonton, he had contracted an acquaintance with one JOSEPH ALLPRESS, who was a native of St. Ives in Huntingdonshire, and, like his accomplice, had served his apprenticeship to a smith. After his time was expired, he laboured a considerable time in draining the fens in the Isle of Ely, and then his ill fortune led him to Edmonton, where Guyant, having now lost all relish for a life of industry, persuaded him to be concerned with him in deer-stealing.

This proposal was but too well relished by Allpress, who, without reflecting on the dangerous tendency of such a practice, embarked in the scheme with Guyant, and they robbed the parks of several gentlemen in the neighbourhood.

Encouraged by what they deemed success, because they remained undetected, they broke into
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the church at Edmonton, and carried off some of the communion plate; but it was not known who were the offenders, till after they were convicted of robbing the mail.

A very little time had passed after the sacrilege, when Guyant proposed to Allpress the fatal scheme which ended in the destruction of them both; intimating, at the same time, that their fortunes might be made by the putting off the bank notes. Allpress declared that he had never seen a bank-note in his life, and confessed that he was very illiterate; but, overcome by the persuasions of the other, he at length agreed to be concerned in robbing the mail.

Thus determined, they lost no time in the attempt to carry it into execution; the first step to which was, the preparing an axe, hardened to such a degree as to cut iron.

They then waited in the road, at a place called Houndsfield, for the arrival of the northern mail. At length, the post-boy arrived, and had with him a person named John Thomas, to whom he had given a lift on the road. Guyant stopped the horses of the mail-cart, and threatened instant destruction to Thomas and the driver, unless they immediately got down.

This threat was too terrible not to be complied with; on which the post-boy was ordered to drive his carriage into an adjacent field, and Thomas was compelled to attend him. The robbers now bound the other parties to a tree, and then demanded the key of the mail-cart; but finding that it was not in possession of the driver, they took the cart across the field, broke it open with their axe, and then took out some of the bags, and buried a number of the notes in the earth.

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The driver of the mail-cart and his companion remained bound to the tree till morning, when the latter happily freed himself, and then gave liberty to the other.

On searching for the horses, they found them grazing in the field, and discovered that the cart had been broken as above-mentioned. The post-boy instantly drove to London, and gave proper notice of the injury that had been done.

The secretary of the general post-office immediately advertised a reward of two hundred pounds for the discovery of the offenders; but nothing transpired for some months, till at length Allpress ventured to London, to procure the acceptance of some of the stolen drafts, the worst scheme that could possibly have been devised; for the payment of these drafts having been previously stopped, Allpress was taken into custody, and being carried before Sir John Fielding, he immediately confessed the fact; on which he was committed to prison, and some officers of justice sent in search of Guyant, who soon found him, and discovered several bags in a yard behind his house, in which were a number of letters which had been stolen from the mail.

Both offenders were lodged in Tothill-Fields Bridewell, and at the proper time removed to Newgate, in preparation for their trials at the Old Bailey; where they were convicted on the fullest evidence, and received sentence of death.

After conviction, and indeed long before it, they exhibited the truest penitence that perhaps was ever observed by illiterate men in their unhappy situation. They were exceedingly attentive to the instructions of the ordinary of Newgate, and made the devoutest preparations for death.

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On the morning of execution, they received the sacrament with every mark of the sincerest contrition.

On their way to Tyburn they behaved with the utmost decency; and, when arrived at the fatal spot, Guyant was so weak that it was necessary for two men to support him while the executioner fixed the halter round his neck; yet he was fervent in his devotions notwithstanding his weakness.

Both these malefactors begged the spectators to take warning by their fatal exit; and, having finished their devotions, suffered the sentence of the law; after which their bodies were cut down, and carried to Finchley-Common, where they were hung in chains.

They suffered at Tyburn, on the 8th of July, 1772.

JOHN STRETTON, another mail-robber, was descended from respectable parents, who gave him a liberal education, and apprenticed him to a grocer in London.

At the expiration of his apprenticeship, which he had served with peculiar diligence and fidelity, he went to live as a journeyman to a grocer in Bishops-gate-Street, still maintaining a fair character. He continued in this station several years, during which time he married, and had a daughter.

Having buried his wife, and by his frugality accumulated a sum of money, he opened a shop in Bishops-gate street on his own account, and had every reasonable prospect of success.

Unfortunately, he conceived a design of advancing himself in life by a second marriage; and a butcher in the neighbourhood being reputed worth a considerable sum of money, he paid his addresses to his daughter, who was so well pleased with him, that

that she did not hesitate to make a declaration in his favour; but the father, unwilling to part with any money, as a portion for his daughter, resolved not to give his consent, because Mr. Stretton was not in circumstances of independence.

In the mean time, the lovers contrived frequent opportunities of seeing each other, and the young woman repeatedly informed Mr. Stretton with the determination of her father, Chagrined by this circumstance, and resolved to remove the objection, which seemed to arise from his presumed poverty, he formed the dreadful resolution of robbing the mail.

For some time, he had not an opportunity of carrying his intention into execution, being seized with a severe fit of illness, which confined him to his bed for some weeks; during which time, he was frequently visited by the girl whom he had courted, and also by her mother, who was a warm friend to the proposed marriage.

When he recovered his health, he resolved to complete, if possible, the plan which had so long agitated his mind. He therefore took an opportunity when the shopman was in bed one Saturday night, to quit the house, and go as far as the City-Road, between Islington and London, where he awaited the arrival of the northern mail, which came opposite Peerless-Pool about two o'clock in the morning.

Observing the post-boy coming up, he stopped the mail, and seized such bags as he thought proper; after which he went into Moorfields, where he examined the contents; and taking out such bills and notes as he thought proper, left the bags behind him, and retired to his own house.

As soon as the robbery was made known at the post-

post-office, the postmaster-general offered by advertisement, as is usual on such occasions, a reward of two hundred pounds for the apprehension of the robber; but nothing transpired in the course of several weeks.

Stretton still continued to pay his addresses to the butcher's daughter; but her father, unwilling that she should marry a man in low or doubtful circumstances, was continually talking to him on the subject of money matters. At length, Stretton was so imprudent as to show him the drafts in his possession, and even to send a porter to Mr. Boldero's, the banker, for the acceptance of one of them, that no doubt might remain of their being good notes; but the porter had no sooner presented the bill, than he was detained, and a peace-officer and other persons were sent in search of Mr. Stretton, whom they found at his own house.

They enquired how he came to be possessed of the note in question: to which he replied, that he had taken it in the course of business from a person in Bond-Street, who was in his debt.

This story did not seem to be credited; however, a coach was called, and the parties went together to Bond-Street, in search of the person who was said to have paid the bill; but no such man could be found: on which, the suspicions against Stretton being greatly strengthened, he was conveyed to the house of Sir John Fielding, who committed him to Newgate, to abide the event of a trial.

Objections being made by counsel to the putting him on his trial at the first and second sessions after his commitment, it was accordingly brought on at the third.

When on his trial, full proof arose that the drafts and notes which had been taken out of the mail

mail were found in his house; and as he could give no probable account how they came into his possession, there was a strong presumptive, amounting almost to positive, proof that he had himself committed the robbery; and the jury, after a full deliberation, did not hesitate to pronounce him guilty: in consequence of which he received sentence of death.

After conviction, he was regular in his attendance on the offices of divine worship; but no arguments that were made use of could prevail on him to acknowledge his guilt; and he steadily persisted in a denial of the justice of his sentence.

On the morning of execution, when he was called down to the press-yard, to have his irons knocked off, he was urged by the ordinary of Newgate to make an explicit confession of the crime; but he still persisted in declaring himself innocent.

He suffered at Tyburn, on the 1st of August, 1770.

MAIMING, OR MAYHEM

Was first made single felony by the 5th of Henry the Fourth, cap. 5. It is defined to be 'maiming, cutting the tongue, or putting out the eyes of any of the king's liege people.' The statute of the 22d and 23d of Charles the Second, cap. 1, extends the description of this offence to slitting the nose, cutting off a nose or lip, or cutting off or disabling any limb or member, by malice aforethought, and by lying in wait with an intention to maim and disfigure; and this statute made the offence felony without benefit of clergy.

To prove malice in this crime, it is sufficient that

the act was voluntary and of set purpose, though done on a sudden.

Mayhem, as explained in the above statutes, is certainly a very atrocious offence; and as the punishment is not followed by corruption of blood or the forfeiture of the property of the offender, it is, according to the present system, perhaps not too severe.

One particular sort of mayhem, by cutting off the ear, is punishable by an act 37 Hen. VIII, cap. 6; which directs that the offender shall forfeit treble damages to the party grieved, to be recovered by action of trespass, and 10*l.* by way of fine to the king. *Colquhoun.*

MALEFACTORS. See ARSONRY, COINERS, LARCENY, MURDER, THEFT, &c.

MANSLAUGHTER

Is defined to be, the killing another without malice, either express or implied; which may be either voluntarily, upon a sudden heat, or involuntarily, but in the commission of some unlawful act. See **BRANDING.**

MARRIAGE, FORCIBLE.

Forcible marriage, or defilement of women, is an offence considered next in point of enormity to rape; but it is somewhat remarkable, that by confining the punishment to offences against women of estate only, the moral principles are made to yield to political considerations; and the security of property

property, in this instance, is deemed more essential than the preservation of female chastity.

In short, the property of the woman is the measure of the crime; the statutes of the 3d of Henry the Seventh, cap. 2, and the 39th of Elizabeth, cap. 9, making it felony without benefit of clergy, to take away, *for lucre*, any woman having lands or goods, or being an heir apparent to an estate, by force, or against her will, and to marry or to defile her. The forcible marriage and defilement of a woman without an estate is not punished at all; although, according to every principle of morality and reason, it is as criminal as the other. It is, indeed, an offence not so likely to be committed.

However, it seems in every point of view impossible to punish such offences with death; it might be enough to expiate the crime by alienating the estate from the husband, vesting it in the wife alone, and confining him to hard labour; or by punishing the delinquent, in very atrocious cases, by transportation.

Colquhoun.

Marriage per force is very improbable, as a woman must certainly give her consent at the altar or there can be no marriage: the offence, therefore, must be defilement; and surely, in that case, be the woman rich or poor, the violator is punishable.

The least encouragement on the part of the woman will in a great measure acquit the man, who cannot be said to have proceeded *against her will*, if courted by her smiles. Such has been recently the case in the trial of the Gordons at Oxford (1804), and it is the duty of the judge upon such occasions always to direct an acquittal. *Editor.*

MISADVENTURE, HOMICIDE BY.

Homicide by misadventure is, when one is doing

a lawful act, without intent to hurt another, and death ensues. For this offence a pardon is allowed of course; but, in strictness of law, the property of the person convicted is forfeited; the rigour of which, however, is obviated by a writ of restitution of his goods, to which the party is now, by long usage, entitled of right, only paying for suing out the same. *Colquhoun.*

MISDEMEANORS PUNISHABLE BY FINE, IMPRISONMENT, WHIPPING, AND THE PILLORY.

The principal of which are the following:

Perjury, or taking a false oath in a judicial proceeding, &c.

Frauds, by cheating, swindling, contrary to the rules of common honesty, &c. &c.

Conspiracies for the purpose of injuring or defrauding others.

Assaults, by striking or beating another person, &c.

Stealing dead bodies.

Stealing cabbages, turnips, &c. growing:

Cutting and stealing wood and trees.

Robbing orchards and gardens.

Stealing deer from forests.

Stealing Dogs.

Setting fire to a house to defraud the insurance-office.

Making and selling fire-works and squibs.

Throwing the same when on fire about the streets.

Uttering base money.

Selling base money under it's denominated value.

Embezzlement in the woollen, silk, and other, manufactures.

Offences by artificers and servants in various trades.
Combinations

Combinations and conspiracies for raising the price of wages, &c. (See Stat. 39 Geo. III, c. 81.)
Smuggling run goods, and other frauds relative to the excise and customs.

Keeping bawdy houses and other disorderly houses.
Colquhoun.

MONEY, COUNTERFEIT: See COINERS.

MONEY-LENDERS,

Are swindlers, who raise money by pretending to be discounters of bills and money-brokers. These chiefly prey upon young men of property who have lost their money at play or spent it in expensive amusements, and are obliged to raise more upon any terms, until their rents or incomes become payable; or who have fortunes in prospect, as being heirs apparent to estates, but who require assistance in the mean time.

Availing themselves of the credit or the ultimate responsibility of such thoughtless and giddy young men, in the eager pursuit of criminal pleasures and under the influence of those allurements which the faro tables and other places of fashionable resort hold out, these swindlers seldom fail to obtain from them securities and obligations for large sums: upon the credit of which they are enabled, perhaps at usurious interest, to borrow money or discount bills, and thus supply their unfortunate customers upon the most extravagant terms.

Another class, having some capital, advance money upon bonds, title-deeds, and other specialties, or upon the bond of the parties having estates in reversion. By these and other devices, too tedious to detail, large sums of money are, most un-

warrantably and illegally, wrested from the dissipated and thoughtless ; and misery and distress are thus entailed upon them as long as they live, or they are driven, by utter ruin, to acts of desperation or to crimes.

A law seems absolutely necessary to be pointed at this particular mischief, which is certainly an increasing evil. Humanity pleads for it, and policy points out the necessity of some effectual guard against those miseries which it generates, and which could not exist in so great a degree, were it not for the opportunities held out by these blood-suckers, in affording money to the young and inexperienced, to be expended in scenes of gambling and debauchery. *Colquhoun.*

MURDER.

By the law of England, the judgment in case of murder is, that the person convicted shall suffer death, and that his body shall be dissected.

The laws of most civilized nations, both ancient and modern, have justly punished this atrocious offence with death. It was so by the law of Athens, and also by the Jewish and Roman laws. By the Persian law, murderers were pressed to death between two stones ; and in China, persons guilty of this offence are beheaded, except where a person kills his adversary in a duel, in which case he is strangled. Decapitation, by the laws of China, is considered the most dishonourable mode of execution.

In the ruder ages of the world, and before the manners of mankind were softened by the arts of peace and civilization, murder was not a capital crime. Hence it is that the barbarous nations, which

which over-ran the western empire, either expiated this crime by private revenge or by a pecuniary composition. Our Saxon ancestors punished this high offence with a fine, and they too countenanced the exercise of that horrid principle of revenge, by which they added blood to blood. But in the progress of civilization and society, the nature of this crime became better understood; private revenge was submitted to the power of the law; and the good King Alfred first made murder a capital offence in England.

In this case, as in that of self-murder, the property of the murderer goes to the state, without any regard to the unhappy circumstances of the families either of the murdered or the guilty person, who may be completely ruined by this fatal accident; a provision which seems not well to accord with either the justice or mildness of our laws.

Colquhoun.

It was formerly customary to make persons suspected of murder to touch the murdered body, for the discovery of their guilt or innocence.

This way of finding murderers was practised in Denmark by King Christianus II, and permitted all over his kingdom; the occasion whereof is this: certain gentlemen being on an evening together in a stove, or tavern, fell out among themselves, and from words grew to blows (the candles being out,) insomuch that one of them was stabbed with a poniard. Now the murderer was unknown, by reason of the number, although the person stabbed accused a pursuivant of the king's, who was one of the company.

The king, to find out the homicide, caused them all to come together in the stove, and standing all round the dead corpse, he commanded that they should,

should, one after another, lay their right hand on the slain gentleman's naked breast, swearing that they had not killed him. The gentlemen did so, and no sign appeared against them; the pursuivant only remained, who, condemned before in his own conscience, went first of all and kissed the dead man's feet, but as soon as he had laid his hand on his breast, the blood gushed forth in abundance both out of his wound and his nostrils; so that, urged by this evident accusation, he confessed the murder, and was, by the king's own sentence, immediately beheaded.

Hence the origin of the practice, which was so common in many of the countries of Europe, for finding out unknown murderers.

We shall here give, in the words of the witnesses, an account of a horrid and long-concealed murder committed upon the person of Thomas Kidderminster, gent., of Tupsley, in the county of Hereford, at the White Horse Inn, Chelmsford, Essex, in April, 1654.

This unfortunate person was the only son of Walter Kidderminster, of Tupsley, in the county of Hereford; but, being wronged out of his paternal estate by the intrigues of his step-mother, he was compelled very early in life to enter into the service of the Bishop of Ely, who at length employed him as his steward, till the commencement of the civil war and the commitment of that prelate to the Tower for his unshaken loyalty. Mr. Kidderminster was afterwards employed in the management of other gentlemen's estates in Cambridge-shire, till thinking it prudent to convert his property into money, and endeavour to settle upon or sell his estate, which he still claimed, in Hereford-shire, after sending his wife to London, who was then big with child, and telling her he would return
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in about ten days, he departed from Cambridge-shire through Essex, with a number of writings, taking with him about five or six hundred pounds in gold, most of which he had obtained in exchange for silver.

Going a bye-road for safety, Mr. Kidderminster took a guide with him, but on reaching Chelmsford, at night, he was discharged. Mr. Kidderminster then put up at the White Horse Inn, where it appears he had lain at other times and was very well acquainted; but there he was murdered on the same night, and, as before said, in April, 1654, as will further appear from the following relation.

He not coming to London according to appointment, about three weeks after, Mr. Bainbridge, the parson of Wilburton, that married them, came up to Mrs. Kidderminster, and asked her for her husband; who replied, "I hoped you had brought me news of him—what's the reason of it?" "I know not (says he); but he has made off with all, and gone from thence:" which mightily surprised her, insomuch that it threw her into a fit of sickness, which had almost cost her her life; but, desirous to know the reason of it, she desired Mr. Maidstone, a gentleman that had business there, and was going thither, to send her a particular account; who confirmed the parson's relation. The last place she heard of him was Cambridge. Then a report was spread that he was gone to Amsterdam, where she sent to enquire for him, but was assured he was not there. After some time, she heard he was at Cork, in Ireland; and thither she sent, and made a most diligent and exact search for him, both in Cork and Munster, by the interest of a parson there, but heard nothing of him. Then again there was a report that he was in Barbadoes; and the same

clergyman sent to a minister in Barbadoes to make enquiries after him, but could hear nothing of him there. Then she heard he was in Jamaica (for then, Oliver, the Usurper, having a design upon the Spaniards, had sent out a fleet under the command of Pen and Venables, who, missing of their chief design, took Jamaica, by-the-by, of which place Sir John Reynoulds was made governor), and Mr. Kidderminster having been in the king's army and formerly condemned for his loyalty, it was generally supposed he was in the fleet, because a great part of the loyalists were sent thither. Mrs. Kidderminster, in the mean time (in August, 1654), being brought to bed of a daughter, and exposed to get a livelihood, was entered as a wet-nurse in Sir Christopher Guy's family in Gloucestershire, and there suckled Sir John Guy; at which time she received a letter from a friend, whereby she was informed that her husband, Mr. Kidderminster, died in Jamaica, and had left Sir John Reynolds executor for her and her young daughter; and by the same letter she understood that Sir John Reynolds was come to London. She accordingly came to London to enquire of him; where she heard he was drowned coming over seas for England from the coast of Dunkirk; but having met in London with one that did belong to him, he assured her that there neither was nor had been any such person in Jamaica; for he had enquired of Mr. Hodges, who kept a register of all the passengers to and from Jamaica; and she herself had searched the register two or three times.

From Sir Christopher Guy's she went to Tup-
sley, in the parish of Hampton Bishop, near Here-
ford, where she had been informed by her husband
that he had an estate; and Mr. John King, Sir
Christopher's

Christopher's steward, went along with her to the house where her husband was born, then in the possession of Thomas Baker, who was married to Mrs. Kidderminster's step-mother. She asked Mr. Baker whether Mr. Kidderminster had been there lately, for her husband had been missing a long while, and she thought to hear of him there. However, she demanded the arrears of rent, and expected they would pay her, if her husband were dead. But they, as is believed, had heard of her husband's being missing, and therefore pretended they had purchased the estate, and so ought to pay her nothing. But Mrs. Kidderminster was informed by the neighbours that there was no such thing; and was advised by them to look after it, for it was really her right by the custom, as her free bench, if her husband was dead.

She left Sir Christopher Guy's family about a year and a quarter after, and came to London to live with her sister; and constantly enquiring after her husband, her sister one day, in 1662 or 1663, reading the then news-pamphlet, suddenly cries out, "Sister, here's news of your husband!" upon which she read the news in these words, or to this effect, viz. "that the bones of an unknown person, supposed to be robbed and murdered, were found buried in a back-yard in Chelmsford. Whosoever can give notice of any person missing about that time, let them give notice to Mr. Talcott, coroner, in Feering, or to the constable of Chelmsford, or to Mr. Roper, bookseller, over against St. Dunstan's church in Fleet-Street;" and upon comparing the time of her husband's being missing with the time in the newspaper of the supposed murdered body's lying concealed, it appeared to be extremely probable: upon which, she immediately, as directed
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in the newspapers, went to Mr. Roper's, and he advised her to go to Sir Orlando Bridgeman, then lord chief justice of the common pleas, who had been the home circuit. She went to my lord's secretary, Mr. Edwards, and acquainted him with her business, who took a note of her name and the place of her abode, and promised to acquaint my lord of her being there upon such an occasion, which he did accordingly; but by some misfortune could not find the note, and so could not send for Mrs. Kidderminster.

Here the matter rested for some time. Mrs. Kidderminster, however, continued her enquiries; and imparting the particulars of the discovery at Chelmsford to several of her acquaintances, they all persuaded her to desist; alledging the uncertainty, the trouble, and expence, of such a prosecution, especially considering how destitute she was both of friends and money at that time. Being so persuaded, she did desist. Some short time afterwards, her husband (as she said) appeared to her several times, both by day-light and in the night, in the habit he usually wore, looking very sternly upon her; but one night, as she lay in her bed, he came to her in a white sheet, with a streak of blood upon it; whereupon she was resolved, being much disturbed in her mind, to go to Chelmsford, in order to make the utmost discovery she could. In pursuance to this resolution, she went to one Mr. Jeremy Maidstone, and desired him to go along with her, and they both agreed to go down a-foot; and went on their journey as far as Stratford, where, a little beyond the town, they lost their way, turning to their left hand of the road, so that they were four miles out of the way. At last, they came to Rumford, and by that time they were
very

very weary, and went into a house at the further end of the town, at the sign of the Black Bull, being the house of one Kendal, where they accidentally found one Mary Mattocks, a sawyer's wife, who lived at Horn-Church, two miles from Rumford, and was come to town for a piece of chalk which she had forgot the day before, and for want of which her husband could not work.

Mrs. Kidderminster, being now very weary and not able to go a-foot any further, enquired of the people of the house whether any horse could be hired in that town. Mrs. Mattocks, being present, interposed, and answered, "that there was no horse to be hired nor any conveniency of coach or wagon to be had upon that day." They asked Mrs. Mattocks "how far it was to Chelmsford." She answered "fifteen miles." Mrs. Kidderminster asked her again, "whether she knew Chelmsford." She replied, "that she did very well, for she was born and bred there." Question.—"If she knew the White Horse?" Answer.—"Very well; and that one Turner, a very honest man, kept it; but that he that kept it formerly was one Sewell, who, if he had had his deserts, had been hanged long ago, for there was certainly a gentleman murdered in the house." Thereupon she was moved to make a further enquiry, and told Mattocks that her husband was lost much about that time; who informed her, that the ostler who lived in Sewell's time at the White Horse did live then at Rumford. She, having a mind to speak with the ostler, not at all suspecting him to be one of the murderers, but only with an intention to gather from him what circumstances she could, sent for him; but he refused to come: the messenger who was employed upon this errand having heard part of the discourse, as it

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seems,

seems, imparted it to him, which made him unwilling to come. Then Mrs. Mattocks advised Mrs. Kidderminster to go to one Goody Shute, her aunt, at the sign of the Cock, on the hither side of the bridge, and that she could give her such intelligence as would answer her expectation. Upon this, Mrs. Kidderminster and her friend departed on their journey towards Chelmsford. Mrs. Mattocks, after their departure, told the people of the house that a guilty conscience needs no accuser; and that she had heard he (meaning the ostler) had a hand in the business, and had 60*l.* and a suit of clothes.

Being come to Chelmsford, she found that Mrs. Shute was dead of the plague a fortnight before; so they went directly to the White Horse Inn, where, after some discourse with Mr. Turner, then master of the house, he advised them to go the back way out of his house, and to make as if they were just come to town, and to go to Mrs. Sewell's house, at the Shears, in Colchester Lane, at which place she then lived: where, being come, and sitting in a room by themselves, Mr. Maidstone went out to Mrs. Sewell, and enquiring for the White Horse Inn, Mrs. Sewell asked what business he had there: to which Mr. Maidstone made answer, that he was come to enquire about a gentleman that had been murdered there some years ago. To which Mrs. Sewell replied, aye, this is Mr. Turner's doings, who hath put us to a great deal of trouble about it already, but I will be avenged on him; and so fell out into passionate discourses; but upon Mr. Maidstone's calling in Mrs. Kidderminster she immediately was silent, not speaking one word to them afterwards: so they paid, and went their way to the White Horse again, where Mr. Turner gave his account concerning the finding and digging up
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the corpse, viz. that he, Mr. Turner, had pales between his neighbour's meadow and his orchard, which he could never keep long standing; for if he mended them one day, there would be some of them down the next. At last, there happened a great wind which blew them down altogether; so he resolved to make a mud wall, and his neighbour gave him leave to dig the ditch on his side in the meadow; and his men having made an end of casting up the mud wall about four of the clock in the afternoon, being Whitsun eve, were sitting down washing their feet, when Mr. Turner came to them, who said, It is yet a winter's day till night, therefore you must abate me two-pence a man, or else go to work again; which they were willing to do. Then he bid them make up as much of the neighbour's fence which lay open turning on the corner, till he should have made up their full day's work. They had not dug about half a yard on, ere they dug into a quagmire, where the corpse had been buried, and the first thing they hit against was the scull. Master, saith one, here's a brown bowl! Turner bid them not break it, but take it up carefully, for it might serve for some use or other; so they took it up, and found it a scull, with all the teeth in it but one, and a hole on the left side of the said scull, about the bigness of a crown. The rumour of this spreading abroad, caused several of the country people to come to see it, who had formerly observed a new turf to be often laid upon the place, but could not guess the meaning of it. Now, upon digging on, they perceived, by the position of the corpse, that it had been crammed in double. Turner took the scull and threw it over into his orchard, where the grass was high and ready to mow; and the scull was ob-

served to run up hill, through the thick grass, for a dozen yards, towards the house, till it stopped against a fallen tree; and he followed it, thinking there might be something alive in it that caused its motion; but groping for it under the tree, he found it, and nothing in it but dirt and gravel. He told us further, that it was observed by some of the town, that formerly there had been a pied horse kept above half a year in a back stable, without being led out to water, as is usual: after that, they turned him out, and he was taken up as a stray for the lord of the manor, they making no further enquiry after him: which gave occasion to the town's people to suspect that there had been somebody murdered there; but the horse getting loose, and coming again to the stable door, Mrs. Sewell owned him, saying it was her horse, and that she had bought him of a kiusman. But notwithstanding all the care they took to feed him well, he grew leaner and leaner till he died.

That night Mrs. Kidderminster came to the White Horse, she lay in a room which was contiguous to that wherein her husband had been murdered, and the bed's-head in the room where Mrs. Kidderminster lay was answerable to the bed's-head in the other room where Mr. Kidderminster was killed. Mrs. Kidderminster, being afraid to lie alone, desired the maid might lie with her. It was somewhat late before the maid came to bed, where shortly after she fell fast asleep. Mrs. Kidderminster, being awake, heard a great noise in the next room, which went out into the gallery, where something seemed to fall with that violence, that she thought the room shook, and afterwards came to the chamber-door and lifted up the latch. Whereupon, Mrs. Kidderminster, being much affrighted,

frighted, with great difficulty awaked the maid, who spoke to her, and immediately the noise ceased. Mrs. Kidderminster told Mr. Turner of this adventure, who made answer that such things had been often heard before.

After the discovery made, the coroner sat upon the bones, and the jury found it a murder, and that a blow upon the side of the head was the cause of the person's death, the impression whereof was plainly visible upon the scull. Mr. Turner was much prejudiced by this discovery; for no passenger or traveller would come near his house, it having been reported abroad, that the people of that inn used to murder travellers, and bury them in the dunghill. At this time, Sewell, who kept the inn formerly, and his wife and two daughters were alive, and the ostler and the maid servant who lived in their family.

Mr. Turner, to vindicate the reputation of the house, and to clear himself and his family from any suspicion which they might otherwise be liable to, had sometime before applied himself to some of the justices of the peace of the county, who issued out their warrant against Sewell and his wife, who were convened before the justices, where, upon their examination, they denied all; but, however, the justices of the peace thought fit to bind them to appear at the next assizes, and also Mr. Turner was bound to prosecute. Sewell died about a fortnight before the assizes, but was suspected to have been poisoned by his wife; for this Sewell shewed very visible signs of a troubled spirit ever since the bones had been found, and walked about like one who had been crazed in his understanding. One day, he was met by a man who had been his fellow-trooper in the parliament army, who asked

him, " Brother, how do you do ?" He answered him, " He was very ill." Then he told him, " that there was a report that a gentleman was murdered in his house." Whereupon, Sewell shook his head, and said, " The blood of that man will be required at my hands." Then his friend bid him not to discover any more to him, lest he should be forced to come in as an evidence against him. Shortly after, he fell so very ill, that he was forced to keep his bed, and was thrice thought to have been dead, but came to life again. He often desired his wife that he might speak with some of the chief men of the town, for otherwise he could not die ; which his wife would not admit of : so that he died, having his tongue swoln in his mouth, and seemed to be choaked in his own blood. This was a fortnight before the assizes.

At the assizes, Mrs. Sewell appeared, and nothing being positively proved against her, she was continued under bail till the next assizes ; at which time, the lord chief justice, Sir Orlando Bridgman, went that circuit, and finding nobody could give a clear account of the person murdered, nor that they were the murderers, he ordered an account of it to be put in the public diurnal at Lent assizes, by which means Mrs. Kidderminster had the first intimation of it.

Mrs. Kidderminster, returning from Chelmsford, made enquiry at Rumford for the ostler, Moses Drayne, who was showed to her, standing at a glover's shop in the street : she entered into discourse with him at the One Bell, where he sat himself down in the chimney corner. She asked him—" What kind of a man that was that left his horse behind him, when he was ostler at the White Horse in Chelmsford ? what clothes he wore ? for she

she had some suspicion it might be her husband." He answered, "that the gentleman was a tall, big, portly, man, with his own hair, dark brown, not very long, curled up at the ends; that he wore a black satin cap, and that his clothes were of a dark grey;" all which she found agreed with her husband's. Then she asked him—"What hat he wore?" He replied, "A black one." "Nay (saith she), my husband's was a grey one." At which words, he changed colour several times, and never looked up in her face afterwards; but told her, "that one Mary Kendall, that lived at Kilden, near Feering, who had been a servant at Chelmsford at the time of the gentleman's being there, could inform her much better." So she left him; but before she left the town, she went again to the Black Bull, and spoke to the master of the house, who advised her to speak again with Mrs. Mary Mattocks, for she would be her best evidence. Accordingly, my lord chief justice Bridgman was acquainted with what Mrs. Mary Mattocks could evidence; and he advised her to return again to Rumford, and get Mrs. Mattocks to make oath of it before a justice of the peace, which she did before justice Mildmay. She being sworn, justice Mildmay issued out a warrant for the apprehension of Moses Drayne, the ostler, who was immediately sent to jail. After which, Mrs. Kidderminster was to go into the Isle of Ely, to seek for witnesses who knew her husband and his habit and horse; where she found his man, who came afterwards to the assizes, to prove the clothes and the horse. Mrs. Kidderminster went from the Isle of Ely to the coroner's house in Essex, within twelve miles of Chelmsford; whence she went to find out Mary Kendall, who lived about a mile from the coroner's

coroner's house. Mary Kendall seemed to be mightily surprised at Mrs. Kidderminster's coming, and could not be prevailed with to make any discovery. Before Mrs. Kidderminster went to the Isle of Ely, she had been examined, by the coroner's means, before three justices of the peace, Sir Thomas Abdy, Sir Capel Lucking, and Sir William Ayloff, who could not persuade her to confess any thing. Mrs. Kidderminster, together with the coroner, went the second time to the place where she lived, and sent for her to a tavern in the same town; but, by all the means they could use, she would confess no more than that she waited on Mr. Kidderminster in his chamber; and shortly after, she and one of her bail, for she was bound over by one of the said justices, fled, and lived together like man and wife. She and her bail having thus absconded themselves, there was no news of them for some time, until, by accident, the coroner was riding by her brother's house in Kilden, and espied a carrier delivering a letter to her brother, and so went on his way. The coroner followed him, and asked him whether he knew where Mary Kendall lived. The carrier answered, that he had just before delivered a letter from her to her brother; but he could not tell where she was at that time; that he came from Mile-End-Green; and promised in his next return to acquaint him; which accordingly he did—That she lay at the Walnut-Tree in Mile-End-Green; which the coroner signified by a letter to Mrs. Kidderminster, then at London; who, upon receipt of the letter, repaired to justice Manley at Ratcliffe, who granted his warrant to apprehend her, and to bring her before him, which was put in execution, and justice Manley committed her to Newgate. This was done on Wednesday, and the assizes were to

to be held at Brentwood the Saturday following. During her being in Newgate, she was told by the prisoners there, that her running away was an argument of her guilt, and that therefore she should be certainly hanged; upon which, she presently confessed all to Mrs. Kidderminster, and told her she would not have continued so long in an obstinate denial, but that Sewell's daughters had threatened her, that if she confessed, they would swear against her, and have her hanged first.

Sewell's wife died of the plague some time before this, and was buried in her orchard; and so could not be brought to justice, in regard no evidence could be brought in time against her. Mrs. Kidderminster, with much difficulty, and not without the special assistance of my lord chief justice Bridgman, procured the said Mary Kendall to be removed from Newgate to Brentwood, upon Friday, the day before the assizes. One thing is further remarkable in relation to Moses Drayne; that he being out upon bail, after his commitment by justice Mildmay, and at liberty in the town of Rumford, the Friday before the assizes, Mrs. Kidderminster passing through the town in a coach, some of the townsmen acquainted Drayne, that the woman whose husband was murdered was just then gone through the town: upon which, instead of providing for his own safety by flight, he, by a strange infatuation, fell to removing of his goods. Justice Mildmay, remembering a letter sent to him by the lord chief justice Bridgman some time before, to take him into strict custody, which he had forgot then to do, now immediately caused him to be apprehended, carried to the county jail, and from thence, next morning, to Brentwood, where he expressed himself to some about him, that he knew
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what would become of him, but woe be to them that brought him to it; yet he feared none but the dyer.

Upon his arraignment, he pleaded Not Guilty. So Mary Kendall was sworn, who gave in this evidence.—“That she was a servant-maid in the inn where the gentleman was murdered, and that she, having dressed herself in her best clothes, had leave of her master to go to Kilden, where her father lived; and upon her return home that night, her mistress bid her fetch a pair of sheets, and lay them upon the bed in the room called the King’s Arms. When she came into the room, she found the gentleman standing with his back towards the fire, and with his hands behind him: he drank to her, and made her drink up her glass of beer, and bid her go and fetch him a napkin, to make him a cap. He asked her, whether she was the man of the house his daughter or his maid? she answered, she was his servant. The master and mistress being in the room all this while, and having supped together with the gentleman, he, in the presence of the maid and the mistress, delivered his cloak-bag to the master of the house, and told him there was in it near 6ool. and writings of considerable value. Then her mistress bid her go to bed, and lie with the younger children in the farther end of the house; that being not her usual lodging, where she was locked in that night, and her mistress unlocked the door in the morning. She said, that between one and two of the clock in the morning, she heard a great fall of something, that it shook the room where she lay, though it was at the furthestmost part of the house. When she came down in the morning, she found her master and mistress, and the ostler, sitting very merrily at the fire, with a flaggon

flaggon of drink before them, none of them having been in bed that night, nor the two daughters, Betty and Priss, who were appointed to lie in the same room where the maid used to lie. She not seeing the gentleman stirring in the morning, after some time she asked her mistress if the gentleman was gone. 'Yes (answered she), though you were so good a housewife that you could not get up;' and blamed her for lying in bed so long. She asked her mistress whether the gentleman left her any thing. 'Yes (said the mistress), he left you a groat;' and put her hand in her purse, and gave it her. 'Then (said the maid) I will go and make clean the chamber.' 'No (said the mistress), my daughters and I have set that to rights already; do you what you are about, and then go to your flax-wheel;' (the maid being used to spin flax, when she had nothing else to do). The chamber door was kept locked for eight or nine weeks afterwards, and no person admitted to go into it but themselves. One time she asked her mistress, 'Why that room was locked, and not kept clean for guests, as usually?' The mistress answered, 'They had no guests fit for that room, for it was kept for gentlemen.' Some time afterwards, on a Sunday, her master gave her the key to fetch his cloak out of his chest in his chamber; there she saw the gentleman's suit of clothes, and his cloak-bag, which she saw him deliver to them. About nine weeks afterwards, her mistress sent her up into the room where the gentleman had been murdered, to fetch something, it being the first time she had been in that room since it had been locked. She searched over the room, and looked upon the tester of the bed, and there she saw the gentleman's hat, his hanger, boots, and the satin cap which she took off
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the gentleman's head, and hanged upon his hat, and laid it upon the table, when she made a cap of the napkin, and put it on the gentleman's head. She took the gentleman's hat, his hanger, boots, and cap, and carried them down to her mistress and the ostler. She asked her mistress—'You said the gentleman was gone to London in a coach; did he go without clothes, or did you lend him some? for I saw his clothes in my master's chest, and these things are his too.' Said the ostler, 'You lie like a whore; those things are mine.' The maid answered, 'You are a rogue; I am sure they were the gentleman's, I know not whose they are now.' Her mistress hearing the maid and the ostler quarrelling, she fell upon the maid, and there arose some hot words betwixt them, when her mistress broke her head in three several places, so that the blood did run about her ears. The maid talked the louder, and asked her, 'Whether she intended to murder her, as she did the gentleman?' Then her master, hearing this disturbance, came to them, and persuaded her to hold her tongue and be quiet. She further deposed, that the ostler had from his master 60*l.* of the gentleman's money; for that, some short time after the murder, he lent the 60*l.* to a woman that kept the Greyhound Inn, in the same town; and that that must be the money, for the ostler was worth nothing of his own at the time of the murder; and that the ostler had the gentleman's clothes, which she had seen in her master's chest; and that the ostler sent them to one Clarke, a dyer, in Mousam, to have them dyed into a liver colour. The dyer asked him, 'Why he would have the colour altered, since they were of a better colour before?' The ostler answered, 'that he would have them dyed, because he did not like the colour;

colour ;' and that, about a twelvemonth after, he dyed the grey hat black. Then she deposed further, that her master raised himself to a good condition upon a sudden ; for before he was so poor, that his landlord would not trust him for a quarter's rent, but would make him pay every six weeks ; and that he could not be trusted for malt, but was forced to pay for one barrel under another. That, shortly after, they bought a ruined malt-house, and new built it, and did usually lay out 40l. in a day to buy barley. There was seen, upon a sudden, a great change in the daughters' condition, both as to their clothes and otherwise ; and if she bought but a hood for one of the daughters, there was a piece of gold changed ; and they were observed to have gold in great plenty."

Mary Mattocks deposed—" That the ostler carried a grey hat to the hatters : which being left there, after the ostler went away, she went thither and viewed it, and begged the head lining, which she proved to be of a rainbow colour ; as also, that goodwife Shute and she, the said Mary Mattocks, while drying their clothes in the churchyard, Mary Kendall came there also to dry her basket of clothes ; and she complained to goodwife Shute, saying, ' my mistress Sewell has beaten me cruelly to-day, and broke my head in three places, and almost killed me ; but I have told her pretty well of her roguery.' ' What roguery ?' saith goodwife Shute. ' It is (said she) concerning the gentleman they murdered there.' ' Murdered there (saith Shute) !—dost thou know of any murder done there ?' (and her kinswoman Mattocks going away, she held her by the apron, that she might stay to hear what she would say). ' No, goody Shute (said she), I don't know it, but there is a

great suspicion of it.' So she fell a telling them the story; that in the heat of the quarrel her master pulled her out of the room, and cried, 'Mary, will you leave your prating and be quiet? can't you be quiet, but you must talk at this rate? your mistress is a perverse woman, and I'll give you 20*l*. and you shall be gone, and live no longer with her.' And (said she), goody Shute, I have the 20*l*. and I do intend to be gone.' Said goody Shute, 'Mary, Mary, take heed what you do: I would give them the 20*l*. again, and go and acquaint some justices of the peace with it, for the 20*l*. may hang thee twenty years hence.' So they parted. By the next morning, all was hushed up at home, and Mary Kendall came to goodwife Shute, and begged of her to say nothing of their yesterday's discourse, for what she had then said proceeded from passion, or else she had never said it. Said Shute, "If I do not hear it questioned, I shall say nothing of it; but if at any time it comes in question, I will both say it and make you say it too." But Mary Kendall, being examined to this matter at the trial, denied the receiving of the 20*l*.

Mr. Turner gave in evidence what has been asserted before, concerning the finding of the murdered body; and, according to the judges' order, he brought the scull into court, where, by their directions, Moses Drayne, the prisoner, was bid to take it up; but he trembled so much, that he could hardly hold it in his hand.

Memorand.—"There was a boy that served in Sewell's house at the time of the murder, and Sewell falling angry with him, carried him up stairs, and tied him to a bed-post, where he whipped him with a cart-whip unmercifully, that he cried so vehemently, that the maid, Mary Kendall, came up
and

and got him at liberty; when she heard him say, 'that it was well for him she came, or else his master would have murdered him, as he did the gentleman, when he blooded him into the hogs' pail.' And the boy said likewise, he had heard, 'that the gentleman was knocked on the side of the head with a pole-axe, and afterwards his throat was cut by his mistress, with the help of her daughter Betty.' These circumstances were proved at the trial by several persons; and it seems the rumour had been spread in the town by means of this boy. In some short time after, this boy was sent to Barbadoes, and sold to a merchant that lived near Billingsgate, at whose house Mrs. Kidderminster was to enquire for him. This matter relating to the boy's dismissal was discovered by the honest diligence of Mr. Takcott, the coroner, who directed Mrs. Kidderminster to trace this matter, and who had the notes relating to it."

There were two women, one of them a washerwoman of that town and the other a quaker, that lived next house to Mr. Sewell, who both gave evidence at the trial. The washerwoman was going by the house very early, between one and two in the morning, to wash in the town; and the quaker was sitting up for her husband, who was not then come home. They both of them made oath, "that about those hours they heard a noise in Mr. Sewell's house, and a man's voice crying, 'What! will you rob me of my money, and murder me too? —If you take my money, spare my life.' Then they heard something that fell very heavy, and a noise as it were of chairs and stools thrown about the room, and all the lights put out, and after that no further noise heard."

The next morning, these women enquired at the
U 2 house

house what might be the occasion of the noise the night before ; for they thought they heard somebody cry out—murder ! But they were answered ; they must needs be mistaken ; for there was no noise there, nor was any body in the house but their own family.

William Denton, Mr. Kidderminster's servant in the Isle of Ely, was produced as evidence to prove the horse and the gentleman's clothes and hat, which he did.

There was a washerwoman, who washed the next wash after the gentleman was murdered, and who being examined by a justice of the peace, and asked whether she found in the wash any linen more bloody than ordinary, utterly denied that she did, with this imprecation : " that if there was any such, she wished she might rot alive ! " And so it happened ; for a little time after her bowels began to rot away, and she became detestably loathsome before she died.

Mr. Turner and his wife related to Mrs. Kidderminster, that, some time after the murder of her husband, there came a farmer to lodge at Sewell's inn, who received 20*l.* in the town for barley, which Sewell had heard of. And in the night time, Sewell came to this farmer's chamber door, attempting to get in ; but the farmer had very carefully set a table, chairs, and stools, to blockade the entrance : The noise he made awaked him ; whereupon he swore, that the first man that broke in upon him should meet his death. Upon which he heard Sewell's voice, which he knew very well, speaking to somebody that was with him ; so they went down stairs without attempting any further ; and the farmer got up, put on his clothes, and the next morning, by break of day, took his horse and rode away, without taking his leave.

Upon

Upon the aforesaid evidence, the jury found Moses Drayne, the ostler, guilty; and after sentence he was remanded to prison, with five other condemned persons, as also Mary Kendall, whom the judges had remanded to prison during pleasure. Being all together, one of them, who was condemned for having two husbands, spake thus to Moses Drayne.—“ You see, we are all here condemned to die; you will do well to confess the whole truth—had this Mary Kendall a hand in the murder of the gentleman or not? Speak the truth, for we are all to die soon.” “ He made answer—“ No, she had no hand in the murder, but what she had sworn was truth; but the gentleman was murdered there, and by his master and mistress and their eldest daughter Betty; but, for his part, he knew of it, 'tis true, and was there, but did not strike the blow nor help to kill him, but helped to bury him, and had 60*l.* of his money, and all his clothes, given him by his master and mistress.” He was going on to make a sincere confession how all things were; but his wife coming in in the mean time, took hold of him, and bade him hold his tongue, and confess no more, for if he died for it, he should hang nobody else; and ever after he would say nothing, nor make any answer, neither to the minister nor any body else, nor said a word at the gallows.

Moses Drayne having confessed that Betty, the eldest daughter, had a share in the murder, and Mary Kendall having sworn at the trial that the two sisters were not in bed that night the murder was committed, moved Mr. Talcott, the coroner, to procure a warrant from a justice of the peace to apprehend the two sisters; which being done, and they brought before the justice, he bound them over

to appear at the next assizes to be held for the county of Essex, which was the assizes after Moses Drayne was convicted. When the assizes came, both the daughters appeared, and a bill of indictment was preferred against them to the grand jury; against whom Mary Kendall gave the same evidence that she had done before at the trial of Moses Drayne, and also what Moses had confessed in the prison.

The grand jury thinking the evidence not to be sufficient to find the bill, returned an ignominious; and the two sisters were discharged by proclamation.

Mrs. Kidderminster marrying again some time after, the claim upon her husband's estate devolved upon the daughter she was pregnant with. Mrs. Kidderminster carried on a suit for her against Baker upwards of ten years, without success. He died, as did also his son; still the widow of young Baker enjoyed it. At length, Mrs. Kidderminster's daughter was married, and, to recover the estate, her husband was left carrying on a suit in chancery some years after.

We shall now add some cases of a more recent date; beginning with an account of the Rev. Jas. Hackman, who suffered for the murder of Miss Reay; a circumstance which strongly evinces that *disappointed love* will ultimately become the most inveterate *batrel*.

MR. JAMES HACKMAN was born at Gosport, in Hampshire, and originally designed for trade; but he was too volatile in disposition to submit to the drudgery of the shop or counting-house. His parents, willing to promote his interest as far as lay in their power, purchased him an ensign's commission in the sixty-eighth regiment of foot. He had
not

not been long in the army when he was sent to command a recruiting party, and being at Huntingdon, he was frequently invited to dine with a noble earl, then well known in the political world. Here it was that he first became acquainted with Miss Reay, who lived under the protection of that nobleman.

This lady was the daughter of a stay-maker in Covent-Garden, and served her apprenticeship to a mantua-maker in George's-Court, St. John's-Lane, Clerkenwell. She was bound when only thirteen, and in 1760, when she was eighteen, her apprenticeship being expired, she was discharged with a fair character. She was soon after taken notice of by the nobleman above-mentioned, who took her under his protection, and treated her with every mark of tenderness. No sooner had Mr. Hackman seen her than he became enamoured of her, and finding he could not obtain preferment in the army, he turned his thoughts to the church, and entered into orders. Soon after, he obtained the living of Wiverton, in Norfolk, which was only about Christmas preceding the shocking deed which cost him his life, so that it may be said he never enjoyed it.

It is probable that Mr. Hackman imagined that there was a mutual passion, and that Miss Reay had the same regard for him as he had for her. Love and madness are often little better than synonymous terms; for had Mr. Hackman not been blinded by a bewitching passion, he could never have imagined that Miss Reay would have left the family of a noble lord at the head of one of the highest departments of the state, in order to live in an humble station. Those who have been long accustomed to affluence, and even profusion, seldom chuse to
lower

lower their flags. However, he was still tormented by this unhappy, irregular, and ungovernable, passion, which, in an unhappy moment, led him to commit the crime for which he suffered.

Miss Reay was extremely fond of music, and as her noble protector was in an high rank, it is not extraordinary that frequent concerts were performed both in London and at Hinchinbrook; at the latter place, Mr. Hackman was generally of the party, and his attention to her at those times was very great. How long he had been in London previous to this affair is not certainly known, but at that time he lodged in Duke's-Court, St. Martin's-Lane. On the morning of the 7th of April, 1779, he sat some time in his closet, reading Dr. Blair's Sermons; but in the evening he took a walk to the Admiralty, where he saw Miss Reay go into the coach along with Signiora Galli, who attended her. The coach drove to Covent-Garden theatre, where she staid to see the opera of "Love in a Village" acted. Mr. Hackman went into the theatre at the same time; but, not being able to contain the violence of his passion, he went home to his lodgings, and having loaded two pistols, returned to the play-house, where he waited till the play was over. Seeing Miss Reay ready to step into the coach, he took a pistol in each hand, one of which he discharged against her, which killed her on the spot, and the other at himself, which, however, did not take effect.

The moment she fell, Mr M'Namara, a gentleman who was going to hand her into the coach, laid hold of her, thinking she had fallen into a fit by the report of the pistol; but he was soon convinced of his mistake when he found himself bloody, and so sick, that he was not able to stay any longer than

than to see the body carried into the Shakespear Tavern, where it lay till the coroner's inquest was taken.

In the mean time, Mr. Hackman's wounds were dressed, and he was committed by Sir John Fielding to Tothill-Fields Bridewell, and then to Newgate, where a person was appointed to attend him, lest he should have laid violent hands on himself. In Newgate, as he knew he had no favour to expect, he prepared himself for the awful change he was about to make. He had dined with his sister on the day the murder was committed, and in the afternoon wrote the following letter to her husband, Mr. Booth, an eminent attorney, acquainting him of his resolution of destroying himself, desiring him to sell what effects he should leave behind him, to pay a small debt; but this letter was not sent, for it was found in his pocket.

“ MY DEAR FREDERICK,

“ When this reaches you I shall be no more; but do not let my unhappy fate distress you too much; I have strove against it as long as possible, but it now overpowers me. You well know where my affections were placed; my having, by some means or other, lost her's, an idea which I could not support, has driven me to madness. The world will condemn me, but your good heart will pity me. God bless you, my dear Fred. Would I had a sum to leave you, to convince you of my great regard; you was my only friend. I have hid one circumstance from you which gives me great pain. I owe Mr. Knight of Gosport 100l. for which he has the writings of my houses; but I hope in God when they are sold and all other matters collected, there will be nearly enough to settle
our

our account. May almighty God bless you and your's with comfort and happiness ; and may you ever be a stranger to the pangs I now feel. May heaven protect my beloved woman, and forgive this act, which alone could relieve me from a world of misery I have long endured ! Oh ! if it should ever be in your power to do her an act of friendship, remember your faithful friend,

J. HACKMAN."

His trial came on before Judge Blackstone, when the common plea of insanity, or, at least, of having no intention to murder Miss Reay, was urged in his defence ; but that could avail him nothing, seeing he had two loaded pistols. After the witnesses were examined, he was asked if he had any thing to urge in his own vindication, when he addressed the court as follows :

" I should not have troubled the court with the examination of witnesses to support the charge against me, had I not thought that the pleading guilty to the indictment gave an indication of condemning death, not suitable to my present condition, and was, in some measure, being accessory to a second peril of my life ; and I likewise thought that the justice of my country ought to be satisfied by suffering my offence to be proved and the fact established by evidence.

" I stand here this day the most wretched of human beings, and confess myself criminal in a high degree ; yet, while I acknowledge with shame and repentance, that my determination against my own life was formal and complete, I protest, with that regard to truth which becomes my situation, that the will to destroy her who was ever dearer to me than life was never mine till a momentary phrenzy overcame

overcame me, and induced me to commit the deed I now deplore. The letter which I meant for my brother-in-law after my decease will have it's due weight as to this point with good men.

"Before this dreadful act, I trust nothing will be found in the tenor of my life which the common charity of mankind will not excuse. I have no wish to avoid the punishment which the laws of my country appoint for my crime; but, being already too unhappy to feel a punishment in death or a satisfaction in life, I submit myself with penitence and patience to the disposal and judgment of almighty God, and to the consequences of this enquiry into my conduct and intention."

Having been found guilty upon the clearest evidence, he heard the dreadful sentence pronounced with more fortitude than could have been expected, and being conducted back to Newgate, behaved with a becoming decency under his unhappy circumstances. On the morning of his execution, he got up a little after five, dressed himself, and spent some time in private meditation. About seven, he was visited by Mr. Boswell and some other friends, with whom he went to the chapel and received the sacrament. When he came out of the chapel and was haltered, he seemed to be much shocked. The Rev. Dr. Porter, and Mr. Vilette, the ordinary, went into the coach along with him, accompanied by Mr. Brent, the sheriff's officer.

During the whole of the procession, he seemed much affected, and said but little; and when he arrived at Tyburn, and got out of the coach, and mounted the cart, he took leave of Dr. Porter and the ordinary. After some time spent in prayer, he was turned off, and having hung the usual time, his body was carried to Surgeon's-Hall.

Such

Such was the end of a young gentleman who might have been an ornament to his country, the delight of his friends, and a comfort to his relations, had he not been led away by the influence of an unhappy passion! He suffered on the 19th of April, 1779.

CHRISTOPHER SLAUGHTERFORD (MURDERER) was the son of a miller at Westbury-Green, in Surry, who apprenticed him at Godalming. When his time was expired, he lived in several situations, and afterwards took a malthouse at Shalford, when his aunt became his housekeeper, and he acquired a moderate sum of money by his industry.

He now paid his addresses to Jane Young, and it was generally supposed he intended to marry her. The last time he was seen in her company was on the evening of the 5th of October, 1708; from which day she was not heard of for a considerable time, on which, suspicions arose that Slaughterford had murdered her.

About a month afterwards, the body of the unfortunate girl was found in a pond, with several marks of violence on it; and the public suspicion being still fixed on Slaughterford, he voluntarily surrendered himself to two justices of the peace, who directed that he should be discharged; but as he was still accused by his neighbours, he went to a third magistrate, who, agreeable to his own solicitations, committed him to the Marshalsea Prison; and he was tried at the next assizes at Kingston, and acquitted.

The majority of his neighbours, however, still insisted that he was guilty, and prevailed on the relations of the deceased to bring an appeal for a new trial; towards the expence of which many persons subscribed, as the father of Jane Young was in indigent circumstances. During

During the next term, he was tried, by a Surry jury, in the court of Queen's-Bench, before Lord Chief Justice Holt, the appeal being lodged in the name of Henry Young, brother and heir to the deceased.

The evidence given on this second trial was in substance the same as on the first ; yet so different were the sentiments of the two juries, that Slaughterford was now found guilty, and received sentence of death. It may be proper to mention the heads of some of the depositions, that the reader may judge of the propriety of the verdict.

Elizabeth Chapman, the mistress of Jane Young, deposed, that when the young woman left her service, she said she was going to be married to the prisoner, that she had purchased new clothes on the occasion, and declared she was to meet him on the Sunday following. That the deponent sometime afterwards enquired after Jane Young, and, asking if she was married, was informed that she had been seen in the company of Slaughterford, but no one could tell what was become of her since, and that he himself pretended he knew nothing of her, but thought she had been at home with Mrs. Chapman ; which induced this witness to believe that some mischief had befallen her.

Other witnesses proved that Jane Young was in company with the prisoner on the night that the murder was committed ; and one man swore that, at three in the morning, he met a man and a woman on a common, about a quarter of a mile from the place where the body was found ; that the man wore light-coloured clothes, as it was proved the prisoner had done the preceding day ; and that soon after he passed them he heard a shrieking, like the voice of a woman.

It was sworn by a woman, that, after the deceased was missing, she asked Slaughterford what was become of his lady: to which he replied, "I have put her off; do you know of any girl that has any money? I have got the way of putting them off now."

It was deposed by another woman, that, before the discovery of the murder, she said to Mr. Slaughterford, "What if Jane Young should lay such a child to you as mine is here!" at which he sighed, and said, "It is now impossible;" and cried till the tears ran down his cheeks.

In contradiction to this, the aunt of Mr. Slaughterford and a young lad who lived in the house deposed that the prisoner lay at home on the night that the murder was committed.

Slaughterford, from the time of conviction to the very hour of his death, solemnly declared his innocence; and, though visited by several diviners, who urged him, by all possible arguments, to confess the fact, yet he still persisted that he was not guilty. He was respited from the Wednesday till Saturday, in which interim he desired to see Mr. Woodroff, a minister of Guildford: from which it was thought he would make a confession; but what he said to him tended only to confirm his former declarations.

This unfortuate man was hanged at Guildford, on the 9th of July, 1709. As soon as the executioner had tied him up, he threw himself off, having previously delivered to the sheriff a paper, containing the following solemn declaration:

" Guildford, July 9, 1709.

" Being brought here to die, according to the sentence passed upon me at the Queen's-Bench bar, for

for a crime of which I am wholly innocent, I thought myself obliged to let the world know, that they may not reflect on my friends and relations, whom I have left behind me much troubled for my fatal end, that I know nothing of the death of Mrs. Jane Young, nor how she came by her death, directly or indirectly, though some have been pleased to cast reflections on my aunt. However, I freely forgive all my enemies, and pray to God to give them a due sense of their errors, and in his due time to bring the truth to light. In the mean time, I beg every one to forbear reflecting on my dear mother or any of my relations for my unjust and unhappy fall, since what I have here set down is truth, and nothing but the truth, as I expect salvation at the hands of almighty God ; but I am heartily sorry that I should be the cause of persuading her to leave her dame, which is all that troubles me. As witness my hand, this 9th day of July."

The case of Slaughterford is undoubtedly very extraordinary. We see that he surrendered himself to the justices when he might have ran away ; and common sense tells us that a murderer would endeavour to make his escape ; and we find him a second time surrendering himself, as if anxious to wipe away the stain on his character. We find him tried by a jury of his countrymen, and acquitted ; then again tried, on an appeal, by another jury of his neighbours, found guilty, condemned, and executed. Here it should be observed, that after conviction on an appeal, which rarely happens, the king *has no power to pardon* ; probably, had Slaughterford been found guilty by the first jury, as his case was dubious, he would have received royal mercy. Some of the depositions against him seem very striking ;

yet the testimony in his favour is equally clear. There appears nothing in the former part of his life to impeach his character: there is no proof of any animosity between him and the party murdered; and there is an apparent contradiction in part of the evidence against him. He is represented by one female witness as sneering at and highly gratified with the murder; while another proves him extremely affected and shedding tears on the loss of Jane Young. The charitable reader must therefore be inclined to think this man was *innocent*, and that he fell a sacrifice to the prejudices, laudable, perhaps, of his incensed neighbours. He is visited while under sentence of death, by a number of divines; yet he dies with the most sacred averment of his innocence.

We shall here add some other cases, for which we had not room in our preceding volumes.

WILLIAM SPIGGOTT (MURDERER), was the accomplice of one Williams, a young gentleman, who had engaged him, with William Morris, David and Charles Morgan, Walter Evans, David Llewellyn, &c. to assist in the murder of Mr. Powell, who was a man of fortune, resident at Glenareth, in Caermarthenshire, where his ancestors had, for some hundred years, possessed a family estate, which at length descended to him of course. He was wedded to a young lady of a handsome fortune, and two children were the issue of the marriage; but Mr. Powell not having preserved due fidelity to the marriage bed, the lady quitted his house, and went to reside with her relations. Still, feeling all the anxiety of a mother for her children, and unwilling that they should remain with a father who
had

had given repeated proofs of his indifference to those who ought to have been most dear to him, she disclosed her sentiments to Mr. Williams, begging that he would put her in the most proper mode of getting her children out of the hands of their father.

A degree of vanity now inspired Williams with the idea that Mrs. Powell was enamoured of him : he therefore made no scruple to promise all the assistance in his power to complete the favourite wish of her heart ; and he had address enough to get the children from the father and convey them to the mother.

Mrs. Powell, convinced that it would be impossible for her to detain them, if her husband should insist on their being delivered up, sent them to a boarding-school in the neighbourhood of London, in pursuance of Mr. Williams's advice.

The father, having obtained information of the place to which the children were sent, and being conscious that the expence of their board and education might be demanded of him, determined that they should not remain in their pre-ent situation ; wherefore, repairing to the boarding-school, he claimed the children ; but the master of the school, saying that they had been placed there by Mr. Williams, refused to deliver them till he had seen that gentleman.

Hereupon, Mr. Powell made application to the court of King's-Bench for a writ of habeas corpus, which having been granted, it was served on the master of the boarding-school, who no longer hesitated to deliver up the children, who were taken home by the father. The court likewise granted a rule against Williams, " to shew cause why he had taken the children away without the authority of

the father:" to which Williams paid no attention, not even employing a counsel on the occasion; so that, after a year had elapsed, the court directed that the rule should be made absolute, and Williams served with a writ of attachment for the contempt.

This writ was directed to the high sheriff of Caermarthenshire, who ordered one of his officers to take Williams into custody; but having secreted himself, he then formed the resolution of murdering Mr. Powell. Accordingly, he engaged twelve poor men, to whom he promised each a guinea, to assist him in the execution of his horrid purpose.

The plan being settled, they met together on a Sunday evening, in the month of January, 1770; and having put on frocks and blackened their faces, they went to Mr. Powell's house.

All the parties remained at the door to keep guard, except Williams, Spiggott, and David Morgan. These knocked at the door, and a servant opening it, they rushed in.

Some friends had been spending the evening with Mr. Powell, who had parted from them at the door, but a few minutes before the arrival of the murderers; but when they came he was sitting in his parlour, into which they made a forcible entry, and, attacking him on the sudden, cut his nose from his face, almost cut off one of his hands, and then stabbed him in the belly in nine places, so that his bowels hung out of his body, and they left him expiring.

The murder thus accomplished, they quitted the house, and all the parties set off together towards the place of Williams's residence. As soon as day appeared, the report of it spread through the country; and as a deep snow had fallen just before the
perpetration

perpetration of the deed, it afforded a providential means of discovering the murderers; for several people observed that the tracks of the feet of men were visible in the snow.

The advice of two magistrates being taken on the occasion, they procured a number of constables, and with them traced the footsteps to the house of Charles Morgan, which was at the distance of five miles; but they could not discern the track any farther, which gave rise to a suspicion that he had been concerned in the murder.

Hereupon, the magistrates ordered that Morgan should be apprehended; and they immediately interrogated him very strictly respecting the shocking transaction. For some time, nothing could be learnt from him, for he steadily denied having any knowledge of the affair. At length, one of his shoes was taken off, and a constable measuring with it the marks of one of the feet in the snow, it was found that the shoe not only fitted the size of the impression, but that the number of nails in the shoe were equal to the marks of nails in the snow.

This giving rise to a very strong conjecture that he was concerned in the murder, it was hinted to him that he must have been one of the parties; when, unable longer to deny the fact, he confessed it, and likewise informed the magistrates what road his associates had taken.

Charles Morgan being committed to prison, all the other parties set out in pursuit of the absconded murderers, five more of whom were apprehended on the same day, and committed to the gaol of Caermarthen; and on the following day two more of them were taken, and lodged in the county prison for Brecknockshire.

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In the mean time, Williams, the great instigator and promoter of all the mischief, made his escape to Milford Haven, whence he embarked on board a vessel bound to Ireland, and thence, it was reported that he got over to France.

With a view to bring these murderers to justice, two writs of habeas-corpus were issued by the court of King's Bench, directed, the one to the sheriff of Brecknockshire, the other to the sheriff of Caermarthenshire (agreeable to an act passed in the reign of Henry VIII), requiring them to commit the prisoners to the custody of the sheriff of Herefordshire, to be by him kept in safe custody till they should be delivered in due course of law.

Sir Joseph Yates having presided at the ensuing assizes for the county of Hereford, the prisoners were put on their trials, and the fullest proofs arising of their guilt, they were capitally convicted; but sentence of death was not passed upon them till the arguments of counsel had been heard in their defence.

Mr. Justice Yates, anxious to discharge his duty in so important an affair, begged the attendance of Mr. Baron Perrot, who was then trying causes at the Nisi Prius bar.

Both judges being present, Serjeant Jephson made use of the following arguments in behalf of the prisoners:—"That this prosecution is founded on the statute of the 26th of Henry VIII, which enables the judges of gaol-delivery to cause persons committing offences in Welch counties to be indicted in the next English county; that the first objection which occurs is, that it does not appear in the body of the indictment that Herefordshire is the next adjoining county to Caermarthenshire; that as, at common law, the judges in Herefordshire would

would have had no jurisdiction in this case, it is an extraordinary jurisdiction; and, to entitle the judges to proceed, every circumstance must appear upon the face of the record necessary to give that jurisdiction; that the court could not judicially take notice of Caermarthenshire, it not being contiguous to Herefordshire; and that the want of this allegation in the body of the indictment is a fatal defect.

“Moreover—That the statute of the 26th Henry VIII extends only to such of the counties of Wales as were the Lords'-marches; that the preamble of the act recites the several outrages that were committed in the marches; and that the powers in the act were given with a design of remedying those evils; that Caermarthenshire was not one of the Lords'-marches, and consequently not included in that act.” The council owned that he had seen the cases of Thomas Athoe the elder and Thomas Athoe the younger; and confessed that an objection similar to his last had been over-ruled, in respect to those unhappy men. See *ATHOE*.

After a full consideration of the matter, the opinion of the court was, that both of the objections were ill-founded. With regard to the first, in particular, it was said, that “the act empowers the jury to find the bill in the next English county. The contiguity of the county is no part of the charge, it is only a circumstance which gives the jurisdiction; and though not stated in the body of the indictment, yet it is set forth upon the record, when it comes to be made up, and will there sufficiently appear.”

This being the opinion of the court, Sir Joseph Yates proceeded to pass sentence of death on the convicts; but, as some of them did not understand the

the English language, he addressed himself more particularly to William Spiggott, in the following energetic language.

"William Spiggott! you have been tried, and, upon evidence that leaves not the smallest doubt, have now been found guilty of the most wicked, the most savage, the most horrid, murder that ever stained the hand of man—a cool, deliberate, concerted, assassination!—without a quarrel to provoke, without a passion to incite, without a motive to tempt, you, but the blackest that ever disgraced human nature—a willingness to earn the wages of iniquity, the execrable wages of an hireling assassin. And how hardened, how determined, the preparations you made for that bloody work! day after day projecting the design, till at last, deliberately putting on the ruffian's frock and blackened face, you daringly entered the doors of the deceased, and in his own house murdered him, most inhumanly murdered him, with every circumstance of savage barbarity! yet he had never done the least wrong to you, never gave the smallest provocation or offence.

"That unfortunate man is now in his grave, and in two days you will be as cold and lifeless as he; but how different your departure!—by your bloody hand he was wickedly murdered—you for that murder will justly die. It is now my duty to pronounce that dreadful sentence; an office which to me is ever painful. I feel for the melancholy condition you are in, who are so soon to die by the hands of justice; but how little did you feel for the poor man you murdered!

"Friday next, the day after to-morrow, will in this world be your last; but think of the more dreadful day to come, when you will appear before

a far more awful tribunal, before the Great Judge of all mankind. Think how you will stand before him, covered over with the blood of your fellow-creature, whom you so wickedly murdered, most daringly presuming to destroy that life which the Almighty gave—which he alone had a right to take away.

" You have now but two days to live ; and in that short time have much work to do. I therefore most earnestly intreat you to employ every moment that is left you in imploring God's mercy and forgiveness, that your soul may escape that dreadful punishment which lasts through all eternity. At this bar you must expect no mercy.

" The sentence of the law will most certainly be executed upon you ; and that sentence is, ' That you must be taken from hence to the place from whence you came, and from thence, on Friday next, to the place of execution ; that you be there hanged by the necks, till you are dead ; and that your bodies afterwards be delivered to the surgeons, to be dissected. And the Lord have mercy on your souls ! ' "

After which, the convicts were re-conveyed to prison ; and on the Friday following were taken to the place of execution at Hereford, where they suffered the sentence of the law, March 30, 1770.

FRANCIS DAVIES STIRN-(MURDERER) was the son of a minister of the Lutheran church in the principality of Hesse Cassel, and his brother was superintendant over the clergy of a district. Francis received the foundation of his learning at the public grammar-school, and was then removed to the college of Bremen, where he studied divinity and logic. He was afterwards placed by his brother in the university of Hintelin, where he acquired additional knowledge.

The

The French at this time making an incursion, plundered the inhabitants of Hesse Cassel, among whom Stirn's brother was so great a sufferer, that he could no longer afford to support him at the university, and therefore recommended him to a friend in London.

This friend, having no present opportunity of doing him better service, recommended him as usher at an academy in Hatton-Garden, kept by Mr. Crawford. Soon after this, he turned his thoughts to the military life; but from this his friends dissuaded him, presuming that his impetuous temper would not allow him to submit to the necessary control. His next plan was to have entered himself of one of the universities; but this failed, as he had by this time disoblged his friends, so that they would not afford him the requisite assistance.

He now became acquainted with Mr. Matthews, a surgeon; and it was reported that Matthews persuaded the other that Mr. Crawford did not pay him in proportion to his merit; and from this time Stirn's behaviour grew still worse than before; though Crawford declared he kept him only in consideration of the recommendations of his friends.

In a short time, Matthews proposed that if he would instruct himself in the classics and his wife and daughter in music, he should be welcome to his board and lodging. Crawford, who heard of this, advised Matthews not to engage so troublesome an inmate as Stirn, and Matthews immediately told Stirn what he had said; on which the latter spoke of Crawford in the most opprobrious manner. Crawford proceeded farther, by offering to advance Stirn's wages; but the other plan took place, and he removed to Matthews's house.

Soon

Soon after he was in his new lodgings, he found some bits of bread which a child had left in his room. His passions being ever in the extreme, he conceived that Matthews had caused them to be placed there, as a reflection on his dependant situation: on which he hastened to Matthews's chamber door, and dared him to make his appearance. Mrs. Matthews was in bed; but dressing herself, she informed him that her husband was not come home; and at this instant he knocked at the street door.

Stirn now charged his landlord with a design to insult his poverty, and it was with difficulty that his passions were, for the present, appeased, on being informed of the fact.

After this, Stirn and Matthews lived very unhappily; and the latter applied to a magistrate, to know how he should get rid of his unwelcome guest. The magistrate advised him to give him warning to quit his lodgings in the presence of a constable. This was done; but Stirn refusing to depart, his clothes and books were laid in the passage, that he might take them away if he chose it.

The constable and two of Matthews's friends were sitting in the parlour, when Stirn entered and abused Matthews in the most extravagant manner. He was asked to drink a glass of wine, and it was hinted that they should part as they had met, good friends.

Stirn, having drank, told Matthews that he should have his clothes and books for half a guinea. Matthews said he should have the money, if he would say what it was designed for; but Stirn, feeling in his pocket, said that he had money enough, and had been speaking to a person 'who was to write both their lives;' yet he shook hands

with Matthews, and vowed revenge in the same moment.

Mr. Crawford, hearing what had happened, went next day to Matthews's house, to endeavour at a reconciliation ; but he was absent ; and in the interim Stirn had purchased a pair of pistols, and sent a challenge to Matthews, who refused to accept of it.

Crawford being informed of Stirn's uneasy state of mind, sent to invite him to dinner. He went ; but departing early, Crawford met him in the evening in Cross-street, when he looked so despairing, that fatal consequences were apprehended. Stirn talking of honour, Crawford turned the discourse to religion ; but the other said, " I am lost to God and man." Hereupon, Crawford would have given him money, to return to his own country ; but he exclaimed, with tears in his eyes, " My brother will not receive me, after being turned into the street in so scandalous a manner."

Matthews frequented the Pewter-Platter in Cross-Street, whither Stirn went about ten at night, to meet him ; but Crawford, having previously found Stirn at Owen's coffee-house, went with him, with a view to prevent mischief. Crawford used all the arguments in his power, but finding him obstinate, left him at the door of the public house.

Stirn found Matthews in company with some acquaintance, and reflected on him severely for what had passed. In the interim, Crawford entered, apparently anxious that matters should not come to an extremity.

Stirn at length, after some violent behaviour, produced two pistols, with one of which he shot Matthews dead on the spot, and fired the other at himself ; but the shot did not take place. The company

company were greatly alarmed ; the offender was taken into custody and lodged in Newgate for trial.

When under confinement, he fasted a week, with a resolution of starving himself to death ; and when brought to his trial, he was so faint, that a chair was allowed him in the bar. After conviction, while the recorder was pronouncing sentence, he repeatedly fainted ; yet requested that he might be carried to the place of execution in a coach ; but was told that this favour could only be granted by the sheriff.

Having procured some opium, he took it the same evening ; and at nine o'clock the keeper of Newgate came into court, and acquainted the sheriff that it was presumed that Stirn had taken poison, for he was in violent convulsions. The sheriff attended the prisoner, and sent for an apothecary, who bled the unhappy wretch, and gave him some medicines ; but he soon grew worse, and died in great agony at eleven at night.

The coroner's jury being summoned on the occasion, brought in their verdict " Self Murder ;" in consequence of which, he was buried in a cross-road near Battle-Bridge, and a stake driven thro' his body.

He was convicted Sept. 15, 1760, aged twenty-five.

JOHN SWAN (MURDERER) was brought up to the business of husbandry, and, after living with several others, had engaged in the service of Mr. Jeffries, who was a capital butcher in London, but had retired to Walthamstow, in Essex, to live on his fortune ; and, being a widower, without children, had taken his niece, Elizabeth Jeffries, to live with him.

A dreadful outcry being heard at Walthamstow about two o'clock in the morning of the 3d of July, 1751, Mr. Buckle, a near neighbour of Mr. Jeffries, awaked his wife, who said, "It is Miss Jeffries's tongue." Mrs. Buckle then going to the window, said, "There is Miss Jeffries in her shift, without shoe or stocking, at a neighbour's door." Mr. Buckle, going to her, asked her the reason of her appearing in that manner: to which she said, "Oh! they have killed him! they have killed him! I fear." On his desiring her to cover herself, she said, "Don't mind me; see after my uncle."

Mr. Buckle going to the house, the door was opened by Swan, and Mr. Jeffries was found lying on his right side, having three wounds on the left side of his head. The visitor taking him by the hand, said, "My name is Edward Buckle; if you cannot speak to me, signify to me:" on which, Jeffries squeezed him by the hand with as much force as he could.

Some hours after this, Miss Jeffries desired Mr. Buckle to send informations through the country of the murder of her uncle, with an account of such effects as had been stolen: which, a Mrs. Martin said were, a silver tankard, a silver cup, and fifteen pewter plates. Mr. Buckle said, "If I could light on Matthews, I would take him up." "No (said Miss Jeffries) don't meddle with him; for you will bring me into trouble, and yourself too, in so doing."

When Miss Jeffries was found in her shift, after the commission of the murder, she screamed out, "Diaper! Diaper! for God's sake help! murder! fire! thieves!" The neighbour, Mr. Diaper, saw Miss Jeffries half way out of her window, endeavouring to get down. Mr. Diaper and one Mr.
Clarke

Clarke entered the house, and searched diligently ; but could find no traces of any person having quitted the house, as there was a dew on the grass, which did not appear to be disturbed.

Swan went to fetch Mr. Forbes, a surgeon at Woodford, who observed congealed blood in the room, and examined the wounds, which, on the trial, he declared to have been mortal. Swan appeared much frightened at the time ; and said he wished that he had died with his master, for that he would have lost his own life to save his.

As there appeared no marks of any person having been in the house, but those belonging to the family, violent suspicions began to arise. Mr. Jeffries died, in great agonies, at eight o'clock on the following evening.

Miss Jeffries, being taken into custody on suspicion, was examined by two magistrates, to whom she confessed that she heard the report of a pistol, and found her uncle murdered. No evidence arising to criminate her, she proved her uncle's will at Doctor's Commons, and took possession of his estate ; but the coroner's inquest having sat on the body, and some circumstances of suspicion arising, she and Swan were committed to prison ; and bills of indictment being found against them, they were put to the bar, and their counsel moved for an immediate trial.

This was opposed by the counsel for the prosecution, on account of the absence of Matthews, who, it was presumed, would become a material evidence. The counsel on both sides used all the arguments in their power ; but the trial was deferred till the following assizes.

In the interim, Mr. Gall, of the public-house in Whitechapel, resolved, if possible, to take Mat-

threws into custody ; and conversing with one Mr. Smith, he told him that he had seen Matthews come out of the India-House ; and, on enquiry, it was found that he had engaged to enter into the service of the East-India Company, and was at a house in Abel's-Buildings, Rosemary-Lane.

Being taken into custody on a warrant, from his apprehension and other circumstances, the following facts came to light :

Having travelled from Yorkshire in search of work, he was accidentally met on Epping-Forest by Mr. Jeffries, who, seeing him in distress, took him home, to work, as an assistant to Swan, in the garden ; the agreement being that he should have his food only as a gratuity, but no wages.

After he had been four days in this service, Miss Jeffries sent him up stairs to wipe a chest of drawers and some chairs ; but presently following him, said, " What will you do, if a person would give you a hundred pounds ? " He said, " Any thing in an honest way ; " on which she bade him go to Swan, and he would tell him.

Swan being in the garden, Matthews went to him, and told him the contents of the message : on which Swan smiled, took him to an out-house, and told him, if he would knock the old miser, his master, on the head, he would give him 700*l*. Two days afterwards, Mr. Jeffries dismissed Matthews from his service, and gave him a shilling ; and Swan, about the same time, gave him half a guinea to buy a brace of pistols, to murder their master.

Matthews, being possessed of this cash, went to the Green Man at Low Layton, where he spent all his money ; which having done, he proceeded towards London ; and being overtaken on the road by

by Swan, the latter asked him where he was going. Matthews said, to London: on which, the other took him to Mr. Gall's, the Green Man and Bell in Whitechapel, where they drank freely till night; and Swan, being intoxicated, swore he would fight the best man in the house for a guinea. He likewise pulled off his great coat, and threw it on the fire; but the landlord taking it off, and finding it very heavy, searched the pockets, in which he found a brace of pistols.

This circumstance giving rise to unfavourable suspicion, both the men were lodged in the round-house for that night; and being carried before Sir Samuel Gower the next day, he committed them to Clerkenwell Bridewell, as disorderly persons.

Miss Jeffries, being made acquainted with their situation, gave bail for their appearance: on which they all went to Gall's house in Whitechapel, where she upbraided Matthews with bringing Swan into a scrape. He denied that he had done so: on which she gave him a shilling, and desired Swan to tell him to meet them at the Yorkshire Grey at Stratford. They went in a coach, and Matthews following on foot, found only Swan there, who gave him half a crown, and bade him meet him at six the next morning, at the Buck on Epping-Forest: This he did, and, by appointment, came to Walthamstow on the Tuesday following, at ten o'clock at night.

When Matthews arrived, he found the garden-door on the latch, and, going into the pantry, hid himself behind a tub till about eleven o'clock, when Swan brought him some cold boiled beef.

About twelve, Miss Jeffries and Swan came to him; when the latter said, "Now it is time to knock the old miser, my master, on the head."

Matthews

Matthews relented, and said, "I cannot find in my heart to do it:" to which Miss Jeffries replied, "You may be d—d for a villain, for not performing your promise." Swan, who was provided with pistols, likewise d—d Matthews, and said he had a mind to blow his brains out for the refusal.

Swan then produced a book, and insisted that Matthews should swear that he would not discover what had passed: which he did, with this reserve: "not unless it was to save his own life."

Soon after this, Matthews heard the report of a pistol; when getting out of the house by the back way, he crossed the Ferry, whence he proceeded to Enfield-Chase.

Matthews being now admitted an evidence for the crown, the trial of Swan and Jeffries came on at Chelmsford, on the 11th of March, 1752, before Judge Wright.

Miss Jeffries fainted repeatedly during the trial, and was once in fits for the space of half an hour. The evidence of Matthews was exceedingly clear; and many corroborative circumstances arising, the jury found the prisoners guilty, and they received sentence of death.

After conviction, Miss Jeffries acknowledged the justice of her sentence; said she had deliberated on the murder for two years past, but could find no opportunity of getting it executed, till she engaged Swan in the business, and they jointly offered Matthews money to perpetrate it. She likewise confessed a variety of circumstances, which tended to prove that Swan was her real agent in the commission of the murder,

Swan for some time expressed great resentment on Miss Jeffries's confession; but when he learnt that he

he was to be hung in chains, he began to relent, and seemed at length to behold his crime in it's true light of enormity.

On the day of execution, they left the prison at four in the morning, Miss Jeffries being placed in a cart and Swan in a sledge. The unhappy woman had frequent fits during the journey; but before she came to the place of execution her spirits became more composed. She fainted away before she was tied up, nor had recovered when the cart drew away. Swan was fervent in his devotions. They suffered near the 6 mile stone on Epping Forest, March 28, 1752. The body of the woman was delivered to her friends for interment; but that of Swan was hung in chains in another part of the forest.

GRACE TRIFF (MURDERER) was a native of Barton in Lincolnshire, and after living as a servant at a gentleman's house in the country, she came to London, was sometime in a reputable family, and then procured a place in the house of Lord Torrington.

During her stay in this last service she got acquainted with a man named Peters, who persuaded her to be concerned in robbing Lord Torrington's house, promising to marry her as soon as the fact should be perpetrated. Hereupon it was concerted between them, that she should let Peters into the house in the night, and that they should join in stealing and carrying off the plate.

Peters was accordingly admitted at the appointed time, when all of the family, except the housekeeper, were out of town; but this housekeeper bearing a noise, came into the room just as they had packed up the plate; on which, Peters seized her, and cut her throat, while Tripp held the candle.

die. This being done, they searched the pockets of the deceased, in which they found about thirty guineas; with which, and the plate, they hastily decamped, leaving the street door open.

This shocking murder and robbery became the general subject of conversation, and no steps were left unattempted in order to apprehend the offenders, who were taken in a few days, when Peters having been admitted an evidence for the crown, Grace Tripp was convicted, sentenced to die, and accordingly executed at Tyburn, on the 17th of March, 1710, at the age of nineteen years.

In the proceedings against Grace Tripp there is evidently a flaw. It is *she* who should have been admitted as evidence for the crown, and not Peters, who was the *actual murderer*; though she undoubtedly deserved her fate: yet, as evidence was wanting to convict both, justice demanded the life of the GREATER criminal.

We shall conclude with a brief account of the trial of GEORGE ROBERT FITZGERALD, Esq., which came on at Castlebar, in Ireland, Friday, June 9, 1786, before Lord Chief Baron Yelverton, for being concerned with several others in the murder of Patrick Randall M'Donnell, Esq. and Mr. Charles Hipson.

The indictment set forth, that he, Fitzgerald, had procured Timothy Brecknock, Andrew Craig, alias Scots Andrew, James Foy, William Fulton, John Fulton, John Chapman, Wallis Kelley, John Cox, James Masterson, David Saltry, Philip Cox, Archibald Newing, John Berney, Henry George, Michael Brown, John Rehency, and William Robinson; and that he had incited them to murder Mr. M'Donnell and Mr. Hipson; which they accordingly did, on the 21st of February.

Mr.

Mr. Fitzgerald pleaded Not Guilty.

Mr. Gallagher was first called, and his evidence was to this effect.—That Mr. Fitzgerald had laid many plans to destroy Mr. M'Donnell, which had failed, till a shot from Fitzgerald's house, that wounded him as he passed it, seemed the prelude of the tragical event that followed. That, afterward, Fitzgerald procured a magistrate to take examinations against Mr. M'Donnell, Hipson, and himself (Gallagher), and prevailed on this magistrate to grant warrants against these gentlemen; that Mr. M'Donnell, hearing of these transactions, quitted his house, and came to lodge in Castlebar for safety; that on the 20th of February M'Donnell, Hipson, and himself, went in company to M'Donnell's house, to give some directions, about ten in the forenoon; of which Fitzgerald having information, he sent a party to take them into custody on the surreptitious warrants; and before the party arrived, the gentlemen had left the house on their return; but finding themselves pursued, took shelter in a house, which was soon surrounded by the party, who burst open the door; that the witness came out, and asked them the reason for this attack; they answered, that they had warrants against Mr. M'Donnell, Hipson, and himself. They then enquired for M'Donnell: Gallagher told them he had rode off, having previously concealed him in a heap of malt, whence, however, they soon dragged him; and, having set him on horseback, conducted him, with Gallagher and Hipson, whom they tied to each other, and brought them prisoners to Fitzgerald's house, where they were kept on pretext till next morning. In the morning, a guard was prepared to conduct them, when Fitzgerald gave directions to Andrew Craig, if

if there was a rescue, to shoot them. That when they were about three hundred yards from the house, Andrew Craig called out, "A rescue!" On this, a shot was fired by one of the rear guard, which killed one of Fitzgerald's own men, and wounded three or four. They then fired at Hipson and Gallagher, who fell as if killed; and they afterwards followed M'Donnell, who, from one of the first shots, had been wounded in the arm, and his mare, taking fright, was running off with him; but he was stopped at the bridge by a man purposely posted there to prevent an escape; when Andrew Craig coming up, fired a shot in his body, and killed him.

Mr. Gallagher endeavoured to escape, while the party were in pursuit of the other two gentlemen, but was observed by them creeping behind a bush. He was taken to Fitzgerald's house, where he was soon after rescued by his friends.

From the deposition of Andrew Craig, who was admitted king's evidence, it appeared, that when the pretended rescue was concerted, only two of the assassins were let into the scheme; in which it was determined, in order to save appearances, to sacrifice some of his own men in the front.

When the evidence was closed, Mr. Fitzgerald spoke for three hours, with a degree of composure, astonishing, indeed, when it is considered what the human mind must feel at so awful a crisis.

The Chief Baron then gave an excellent charge to the jury, who withdrew for seven minutes, and returned a verdict—Guilty.

When the foreman of the jury pronounced the word Guilty, a sudden gloom overspread Mr. Fitzgerald's countenance, which seemed unaffected before. After leaving the court, the counsel proposed to move an arrest of judgment. On

On Saturday, June 10, John Fulton, William Fulton, Archibald Newing, or Ewing, John Reheny, or Renchy, and David Simpson, were also found guilty, upon two indictments, for the same murder; and James Foy, John Cox, James Masterson, David Saltry, otherwise Simpson, Philip Cox, John Berney, Humphrey George, Michael Bruen, William Robin, and Wallace Kelley, were acquitted.

After which, the attorney-general desired that the motion might be gone into. Mr. Fitzgerald's leading counsel said they saw no defect in the indictment; but Mr. Stanley declared that he had warm hopes he could shew a ground to arrest such judgment, if he were allowed time to consider the subject till Monday; which was granted.

On Monday, Timothy Brecknock was tried, and found guilty. After his conviction, the Chief Baron desired to know of Mr. Stanley whether he meant to make his motion in arrest of judgment. Mr. Stanley, on consideration, declined to make any motion in arrest of judgment.

Mr. Fitzgerald was then brought to the bar, and the Chief Baron, after a preface on the enormity of the crime, passed sentence upon him and Timothy Brecknock, with orders for their execution on that day.

Accordingly, they were executed the same day, together with John Fulton. John Reheny, Archibald Newing, William Fulton, and David Simpson, the other four convicts, were executed soon after.

NEWGATE,

Used as a common gaol for felons so early as the
Z year

1st. Servants, ostlers, stable and post-boys, out of place, who, preferring what they consider as idleness, have studied the profession of thieving. 2d. Persons who, being imprisoned for debt, assaults, or petty offences, have learned habits of idleness and profligacy in gaols. 3d. Idle and disorderly mechanics and labourers, who, having on this account lost the confidence of their masters or employers, resort to thieving as a means of support; from all whom the notorious and hacknied thieves generally select the most trusty and daring to act as their associates. 4th. Criminals tried and acquitted of offences charged against them, of which class a vast number is annually let loose upon society. 5th. Convicts discharged from prisons and the hulks, after suffering the sentence of the law; too often instructed by one another in all the arts and devices which attach to the most extreme degree of human depravity, and in the perfect knowledge of the means of perpetrating crimes and of eluding justice. *Colquhoun.*

OLD BAILEY.

The registers of this place afford a lamentable proof of the evils arising from the present mode of trying criminals without a public prosecutor for the crown. In the course of seven years previous to the police establishment, no less than four thousand two hundred and sixty-two prisoners, who had been actually put upon their trial by the grand jury, were let loose upon the public by acquittals. See **NEWGATE and PRISONERS.** *Colquhoun.*

PARDONS CONSIDERED.

As punishments become more mild, clemency and

and pardon are less necessary.—Happy the nation in which they will be considered as dangerous! Clemency, which has often been deemed a sufficient substitute for every other virtue in sovereigns, should be excluded in a perfect legislation, where punishments are mild, and the proceedings in criminal cases regular and expeditious. This truth will seem cruel to those who live in countries where, from the absurdity of the laws and the severity of punishments, pardons and the clemency of the prince are necessary. It is, indeed, one of the noblest prerogatives of the throne, but, at the same time, a tacit disapprobation of the laws. Clemency is a virtue which belongs to the legislator, and not to the executor of the laws; a virtue which ought to shine in the code, and not in private judgment. To shew mankind that crimes are sometimes pardoned, and that punishment is not the necessary consequence, is to nourish the flattering hope of impunity, and is the cause of their considering every punishment inflicted as an act of injustice and oppression. The prince, in pardoning, gives up the public security in favour of an individual, and, by his ill-judged benevolence, proclaims a public act of impunity. Let, then, the executors of the laws be inexorable, but let the legislator be tender, indulgent, and humane. He is a wise architect who erects his edifice on the foundation of self-love, and contrives that the interest of the public shall be the interest of each individual—who is not obliged, by particular laws and irregular proceedings, to separate the public good from that of individuals, and erect the image of public felicity on the basis of fear and distrust; but, like a wise philosopher, he will permit his brethren to enjoy, in quiet that

small portion of happiness which the immense system established by the First Cause, permits them to taste on this earth, which is but a point in the universe.

A small crime is sometimes pardoned if the person offended chuses to forgive the offender. This may be an act of good-nature and humanity, but it is contrary to the good of the public. For although a private citizen may dispense with satisfaction for the injury he has received, he cannot remove the necessity of example. The right of punishing belongs not to any individual in particular, but to society in general, or the sovereign. He may renounce his own portion of this right, but cannot give up that of others. *Beccaria*.

The unequal scale of punishments and the ultimate unconditional pardons, dictated, no doubt, by the purest motives of humanity, have an equal tendency to generate new crimes. Encouraged by the chance of escaping free, *even after conviction*, many delinquents pursue their evil courses, trusting ultimately to the resource of procuring a pardon, if other devices shall fail. *Colquhoun*.

The same author says in another place, that *four fifths* or more of about two hundred, or upwards, doomed to suffer the punishment of death, are, upon an average, every year, generally pardoned, either on condition of being transported, or, of going into his majesty's service, and not seldom without any condition at all; which he looks upon as one of the encouragements to commit crimes; but, adds he, "God forbid that the author of these pages should do so much violence to his own feelings, as to convey an idea hostile to the extension of that amiable prerogative vested in the sovereign,

reign, and which his majesty has exercised with a benevolent regard to the feelings of humanity and a merciful disposition truly characteristic of the mind of a great and good king.

“ These animadversions are by no means pointed against the exercise of a privilege so benign, and even so necessary, in the present state of the criminal law : they regard only the impositions which have been practised upon so many well-intentioned, respectable, and amiable, characters, who have, from motives of humanity, interested themselves in obtaining free pardons for convicts, or pardons on condition of going into the army or navy.

“ If these humane individuals, who exert themselves in applications of this sort, were to be made acquainted with one half of the gross impositions practised upon their credulity, or the evil consequences arising to society from such pardons, particularly unconditional pardons, they would shudder at the extent of the cruelty exercised towards the public, and even, in many instances, to the convicts themselves, by this false humanity.

“ In a country where, from the great caution which mingles in that part of the criminal jurisprudence which relates to the trial of offenders, it is scarcely possible that an honest or an innocent person can be convicted of a capital offence,* it would seem

* It is not here meant to say that there have not been some instances, and even one of a recent date, where an innocent man may be convicted ; but they are certainly very rare, and, when discovered, the royal mercy, of course, relieves the unfortunate person.

seem to be a good criterion that the royal mercy should only be extended on two indispensable conditions.

" 1. That the convict under sentence of death should, for the sake of public justice, and to deter others from the commission of crimes, discover all his accomplices, and the robberies or other crimes he has committed.

" 2. That he should be transported; or make retribution to the parties he has injured, by being kept at hard labour for life, or until ample security shall be given for good behaviour after such retribution is made.

" The precaution not having been used of knowing for certain, before pardons were granted, whether the parties were fit for his majesty's service or not—the convicts themselves carefully concealing every kind of bodily infirmity—and the pardons containing no eventual condition of ultimate transportation, in case the persons should be found unfit for the army or navy—the result has been, that many convicts, who have been since actually thieves upon the town, were almost instantly thrown back upon the public.—Some, even before they were attested by the magistrate, in consequence of the discovery of bodily incapacity; and others, in a very short time after they had gone into his majesty's service, from the like unfitness being discovered; from some artful device practised to procure a discharge; or from desertion. A professed thief is never deficient in that species of artifice and resource which is necessary to rid him of any incumbrance.

" This, however, is seldom taken into the calculation when humanity urges philanthropic characters to interest themselves in behalf of criminals;

nor

nor could it perhaps otherwise have been known, or believed, that so many of these outcasts of society have found means again to mingle with the mass of the people.

“What impression must these facts make on the intelligent mind! will they not warrant the following conclusion?

“1. That every individual, restored to society in this way, is the means of affording a species of encouragement, peculiarly calculated to bring others into the same dreadful situation from which the unhappy convict is thus rescued.

“2. That, for this reason, every pardon granted, without some lesser punishment, or removing the convicts from society, is a link broken in the chain of justice, by annihilating that united strength which binds the whole together.

“3. That, by removing the terror of punishments by frequent pardons, the design of the law is rendered in a great measure ineffectual; the lives of persons executed are thrown away, being sacrificed rather to the vengeance of the law than to the good of the public; and no other advantage is received than by getting rid of one thief, whose place, under present circumstances, will speedily be supplied by another.

“That able and excellent magistrate, the late Henry Fielding, Esq., to whose zeal and exertions in the exercise of the duties of a justice of the peace in the metropolis the public were under infinite obligations, manifested, half a century ago, how much he was impressed with the injuries arising from frequent pardons. Those who will contemplate the character and conduct of this valuable man, as well as that of his brother, the late Sir John Fielding, will sincerely lament that their excellent

cellent ideas and accurate and extensive knowledge upon every subject connected with the police of the metropolis, and of the means of preventing crimes, were not rendered more useful to the public. It is to be hoped, however, that it is not yet too late, since the state of society and the progress and increase of crimes call loudly for the establishment of a responsible preventive system."

PARDONS, DEVICES USED TO OBTAIN THEM.

No sooner does the punishment of the law attach on a criminal, than false humanity becomes his friend. Pardons are applied for ; and it is known that his majesty's great goodness and love of mercy has been frequently abused by the tricks, devices, and frauds, too commonly resorted to by convicts and agents equally depraved as themselves ; who, while they have recourse to every species of falsehood and forgery, for the purpose of attaining the object in view, at the same time plunder the friends and relatives of the prisoner of their last guinea, as the wages of villainy and misrepresentation.

By such nefarious practices, it is much to be feared that many a hardened villain has eluded the punishment of the law, without any previous reference to the committing magistrates, who may be supposed to have accurately examined into his character and connexions ; and, what is still worse, without extending to the community those benefits which might arise from important discoveries useful to public justice ; such as convicted felons are always capable of making, and which, in conjunction with transportation, it should seem, ought to be one indispensable condition upon which pardons should be granted to capital convicts.

Instead

Instead of these precautions, which appear to be absolutely requisite, it is to be lamented, that, without reflecting that a common thief can seldom be restrained by military discipline, many of the worst class of convicts have received his majesty's gracious pardon, on the simple condition of going into the army or navy. This has been no sooner granted, than the royal mercy has been abused, either by desertion, or by obtaining a discharge, in consequence of some real or pretended incapacity, which was previously concealed. Relieved in so easy a manner from the heavy load of a capital punishment, the culprits return again to their old practices; and, by this means, punishment not only ceases to operate as a prevention of crimes, by example, but becomes even an encouragement; while the labour of detection and the expense of trial and conviction are fruitlessly thrown on an injured individual, and their effect is wholly lost to the public. *Ibid.*

PARRICIDES.

By the Lex Pompeia of the Romans, parricides were ordained to be sown in a sack, with a dog, a cock, a viper, and an ape, and thrown into the sea, thus to perish by the most cruel of all tortures.

The ancient laws of all civilized nations punished the crime of parricide by examples of the utmost severity. The Egyptians put the delinquents to death by the most cruel of all tortures; mangling the body and limbs, and afterwards laying it upon thorns, to be burnt alive.

By the Jewish law it was death. See CHINESE LAWS.

PEACE

PEACE OFFICERS. See CONSTABLES.

PENITENTIARY-HOUSES. See HOUSES OF CORRECTION.

PERJURY.

This shocking offence, particularly prevalent among the inferior ranks in society, is to be attributed in no small degree to the want of proper solemnity and previous explanation on the administration of oaths. Nothing can exceed the unimpressive and careless manner which is in practice in calling upon witnesses to make this solemn appeal to the Supreme Being. It would seem highly necessary that all oaths should be administered in the most impressive manner by the judge, and that a form should be devised, calculated, in the greatest possible degree, to impress upon the mind of the party a high sense of the obligation he or she has come under to speak the truth.

On the whole, it may be asserted that nothing could tend to improve the police of the country and the metropolis more than a general revision of the laws respecting misdemeanors, and particularly the act of the 17 Geo. II, cap. 5, and subsequent acts respecting vagrants and rogues and vagabonds; so as to assimilate them in a greater degree to the present state of society, and to render their execution more certain and beneficial to the community. *Colquhoun*. See OATHS.

PICKPOCKETS.

Picking pockets seems to be the first stage of criminality, and is generally practised by young offenders,



THE PILLORY

fenders, who frequently mix in a crowd, and watch an opportunity of slipping their hands into the pockets of the unwary. Handkerchiefs are in general the spoils, and *Field-Lane* has long been noted as the market for receiving them. Through mistaken lenity, these offenders, when detected, are frequently suffered to escape with impunity; sometimes the mob take the law into their own hands, and reward them by a *ducking*; this, however, makes but little impression, and pickpockets, when they grow up, as our readers may find in the preceding volumes, generally become daring highwaymen or housebreakers. We have had, it is true, adults who have been remarkably expert in this profession. These generally visit assemblies, the play-houses, &c. where they make free with gentlemen's watches, purses, &c. Barrington was accounted the most famous of this description (see vol. 1.); who, it is said, had crooked instruments, purposely made for catching hold and dragging out his spoils. *Editor*,

PILLORY

Is an engine made of wood, to punish offenders, by exposing them to public view, and rendering them infamous. There is a statute of the pillory 51 Henry III; and by statute it is appointed for bakers, forestallers, and those who use false weights, perjury, forgery, &c. Lords of leets are to have a pillory and tumbrel, or it will be the cause of forfeiture of the leet; and a village may be bound by prescription to provide a pillory, &c.

The name is derived from two Greek words, signifying *to look through a door*, because one standing on the pillory puts his head, as it were, through a

door. This punishment is rendered more severe in Ireland, as the board through which the head goes keeps it erect. *Editor.*

PIRACY AND PIRATES.

Piracy is a felony against the goods of the subject by a robbery committed at sea. It is a capital offence by the civil law, although by act of parliament it may be heard and determined according to the rules of the common law, as if the offence had been committed on land. The mode of trial is regulated by the 28th of Henry VIII, cap. 15; and further by the acts 11 and 12 William III, cap. 7, and 39 George III, cap. 37; which also extend to other offences committed on the high seas.

The class of pirates was generally composed of the most desperate and depraved characters who followed aquatic pursuits. Their attention was principally directed to ships, vessels, and craft, in the night, which appeared to be unprotected; and well authenticated instances of their audacity are recounted, which strongly prove the necessity of a vigorous and energetic police. Among many other nefarious exploits performed by these miscreants, the following may suffice to shew to what extent their daring and impudent conduct carried them.

An American vessel, lying at East-Lane Tier, was boarded in the night, while the captain and crew were asleep, by a gang of river pirates, who actually weighed the ship's anchor, and hoisted it into their boat, with a complete new cable, with which they got clear off. The captain, hearing a noise, came upon deck at the moment the villains had secured their booty, with which they actually rowed away in his presence, impudently telling him they

they had taken away his anchor and cable, and bidding him good morning. Their resources afforded them means of immediate concealment. No police then existed upon the river, and his property was never recovered.

A similar instance of atrocity occurred about the same time, where the bower anchor of a vessel from Guernsey was weighed, and, with the cable, plundered and carried off in the same manner.

Although only these two instances of extraordinary audacity are specified, others, equally bold and daring could be adduced, if the limits of this work would admit of it. When vessels first arrive in the river, particularly those from the West Indies, they are generally very much lumbered. Ships in this situation were considered as the harvest of the river pirates, with whom it was a general practice to cut away bags of cotton, cordage, spars, oars, and other articles, from the quarter of the vessels, and to get clear off, even in the day time as well as in the night. Before a police existed upon the river, all classes of aquatic labourers, having been themselves more or less implicated in the same species of criminality, generally connived at the delinquency of each other; and hence it followed, that few or none were detected while afloat, and the evil became so extensive.

It was frequently the practice of these river pirates to go armed, and in sufficient force to resist, and even to act offensively if they met with opposition. Their depredations were extensive among craft, wherever valuable goods were to be found; but they diminished in number after the commencement of the war, and now, since the establishment of the marine police, they have almost totally disappeared.

On the return of peace, however, if a system of watchful energy is not maintained, these miscreants must be expected, as on former occasions on the termination of wars, to renew their iniquitous depredations in great force, as numbers of depraved characters may then be expected to be discharged from the army and navy. *Golquiboun.*

Many examples of desperate pirates will be found in our preceding volumes; we shall therefore only add here an abstract of the trial, before the high court of admiralty in England, February, 1767, of JOHN WINN, otherwise Power.

Samuel Wells, being sworn, deposed—That he belonged to the Albany, a merchant-vessel, and was sent on board the Polly, with six others, at Bassan, on the coast of Africa, to lend a hand to work her down to Anamaboe in April last; that John Fox was master of the Polly, and the prisoner, John Winn, a foremast-man of the same. That, as they were going to Anamaboe, they stopped at Cape Apollonia, after sailing two days, where they staid only one night. That Captain Fox going on shore, Wells, the deponent, Robert Fitzgerald, William Hughes, and John Tomlin, had the watch upon deck, between eight and nine in the evening, the prisoner being then below; but that the prisoner soon after coming up upon the quarter-deck to him, and asking, if he saw a canoe coming? to which he answered, No. He then took hold of his nose, and said, ‘Upon pain of your life, don’t speak a word.’ That then, going down into the cabin, he handed up some pistols to William Hughes, which Hughes carried to the main-deck, and that the prisoner, coming up again, ordered him, the deponent, to go and loose the sails, which he did. That he, the deponent, then went down upon

upon the main-deck, and, hearing a pistol go off, soon learned that the mate was shot through the shoulder; that the prisoner and others were armed all night, and that he came forward to Peter Jourdan, and threatened to blow his brains out, if he did not do as he ordered him. That he ordered him, Jourdan, to go and fetch some grog, that is, rum and water, and that they kept drinking heartily all night; that in the morning they called all hands up, to swear to be true to Capt. Power of the Bravo, the prisoner having called himself Capt. Power, and altered the ship's name to that of the Bravo; and that the prisoner having put a pistol into Peter Jourdan's mouth, and threatened to blow out his brains, he then, seconded by John Potts, William Hughes, Robert Fitzgerald, and John Tomlin, ordered them aft.

Being asked, whether Tomlin was armed; he answered, he was not at first; and further said, that when they went aft, William Hughes had got a prayer-book belonging to the prisoner, to swear them all, and that Potts and all that were concerned together required them to take an oath, the prisoner then standing at the table with a brace of pistols in his hands.

Being desired by the court to repeat the words made use of, when they were required to swear, he said it was, to swear to be true to Captain Power of the Bravo, and to one another, and to obey his command. He also related a circumstance, whilst they were swearing, of the prisoner's shooting Adam Mercer through the cheek, when he was just come up upon deck; but he did not know whether the pistol went off by accident or not. It was, however, not attended with any fatal consequences.

Wells being next examined in regard to the murder

der of the negro-man, deposed, That this negro was a freeman belonging to Bassau, and, in two or three days after they were out at sea, going a pirating to the windward, was employed in splitting some wood forward. That Robert Fitzgerald having observed the negro making motions to the slaves, and to throw something overboard, went and told the prisoner of it; whereupon the prisoner, coming down from the quarter-deck, lashed him up to the rail by his hands, and his feet to a hand-spike, and taking a cat-o'-nine-tails, flogged him three or four minutes; but not having patience to flog him longer, he took a cutlass from out of the boat, and fell to cutting him all round the body, and cut him downright, and wounded him much.

Being asked how many cuts he gave him, and where himself, the deponent, was at the time, he answered, That he could not be positive to the number of the cuts, and that he was then aft under the awning, about three or four yards from the prisoner, who calling for another cutlass, saying the one he had was not good enough, ordered him, the deponent, to go and get another. That, having brought him up another, he fell to cutting him again about the head and round the body, and did not mind where he cut him. That the prisoner then ordered Fitzgerald to give him a cut or two, and he gave him two or three cuts; and that, having repeated the same orders to Potts, so cut him, he did so also; all with the second cutlass. That the black bled mightily about the head and body before those two cut him, being almost dead when Fitzgerald came, though life was in him, but he could not speak. That Potts, without any one bidding him, took a carpenter's broad axe, and cut the negro's head off, as he continued tied, and then threw the head and body overboard.

Being

Being asked, on his cross-examination, the condition of the negro when the prisoner left him to Fitzgerald, whether he was not alive, and might have lived, he answered, that he could not live after he was cut to that degree; that he was cut all round about his sides and his head; and that he had been quite mad, and cried out very much, but was almost dead before Fitzgerald cut him.

Being asked again, how many of the seven that came from the Albany were engaged in the mutiny, he said there were five of them; viz. Richard Thomas, Thomas Hughes, John Potts, Robert Fitzgerald, and Charles Day; and that Adam Mercer was the other that came from the Albany, but was not engaged with them, as was not himself, the deponent.

Peter Jourdan, being sworn, related all the circumstances that Wells did, concerning the murder of the negro, who was a freeman, and a pledge aboard the ship for two slaves, and whose offence seemed to be nothing more than heaving a chip overboard, as he was cutting some wood in the afternoon on the deck. The circumstances of the behaviour of Winn and his associates, in regard to the mutiny and piracy, were also the same, except a few particulars, concerning a design of killing him, the deponent Jourdan, Adam Mercer, and the chief mate, the two last of which were shot at; the chief mate, whose name was Jenkins, by the prisoner, whom he had called out of the cabin, and firing at, wounded him in the shoulder; and Adam Mercer by the prisoner also, three slugs having passed through his cheek, and two lodged in his neck, which he, the deponent Jourdan, cut afterwards out with his lancet.

In regard to himself and Jenkins, the deponent
Jourdan

Jourdan said, that their lives were partly saved by the interposition of Tomlin, who said to the prisoner, "What signifies killing one another? we'll make them work the vessel for us." So there was nothing done to them; though afterwards the prisoner had threatened to take away the deponent's life, by clapping a pistol, loaded and cocked into his mouth, and shortly after had snapped a pistol five times at one W. Aiusworth.

Some appeared to the prisoner's character; but, being found guilty of death, he received sentence immediately, to be executed on the Monday following, being the 2d of March, at Execution-Dock, and his body to be dissected; but was respited till Tuesday the 10th, when he suffered according to his sentence.

And, as justice had been done to the country by the example of Winn, the ringleader, and some circumstances appeared on that trial in the prisoner Tomlin's favour, as to his not being armed when the others were, and his preventing the others when they were proceeding to kill one or two of the men, his majesty's attorney-general did not produce any evidence against him, and he was acquitted.

PLUNDERERS, NIGHTLY, ON THE RIVER.

These were composed chiefly of the most depraved class of watermen, who associated together in gangs of four or five in number, for the purpose of committing depredations on the cargoes of lighters and other craft employed in conveying goods to the quays and wharfs. Their practice was, to associate themselves with one or more of the watchmen who were employed to guard these lighters while cargoes were on board, and by the connivance of these

these faithless guardians of the night, to convey away in lug-boats every portable article of merchandise to which, through this medium, they often had too easy access.

These corrupt watchmen did not always permit the lighters under their own charge to be pillaged. Their general practice was, to point out to the leader of the gang those lighters that were without any guard, and lay near their own, and which, on this account, might be easily plundered. An hour was fixed on for effecting the object in view. The receiver, generally a man of some property, was applied to, to be in readiness at a certain hour before day-light to warehouse the goods. A lug-boat was seized on for the purpose. The articles were removed into it out of the lighter, and conveyed to a landing-place nearest the warehouse of deposit. The watchmen in the streets leading to this warehouse were bribed to connive at the villainy, often under pretence that it was a smuggling transaction, and thus the object was effected.

In this precise manner was a quantity of ashes and hemp conveyed in 1798 to the house of an opulent receiver. Several other cargoes of hemp, obtained in the same manner, were conveyed up the river, and afterwards carted in the day-time to the repositories of the purchaser, till, by the vigilance of the police boats, a detection took place, and the whole scene of mischief was laid open.

This species of depredation went to a great extent, and when it was considered that the very men who were appointed to guard property in this situation were themselves associates in the criminality, and participated in the profit arising from the booty; and that matters were so arranged as to secure

cure the connivance of all those who were appointed to situations with a view to detect and apprehend delinquents ; it ceases to be matter of wonder that the plunder in this particular line was excessive.

In many instances, where goods could not be plundered through the connivance of watchmen, it was no uncommon thing to cut lighters adrift, and to follow them to a situation calculated to elude discovery, where the pillage commenced. In this manner have whole lighter loads even of coals been discharged at obscure landing-places upon the river, and carted away during the night.

Even the article of tallow from Russia, which, from the unwieldiness of the packages, appears little liable to be an object of plunder, has not escaped the notice of these offenders : large quantities have been stolen ; and an instance has been stated to the author, where a lighter loaded with this article was cut from a ship in the Pool, and found next morning with six large casks of tallow stolen, and two more broken open, and the chief part plundered and carried away. In short, while the river remained unprotected nothing escaped these marauders. *Calcutta.*

Besides these, there are nightly plunderers of West India ships, called *Light Horsemen*. This class of depredators for a long period of time had carried on their nefarious practices with impunity, and to an extent in point of value that almost exceeds credibility ; by which the West India planters and merchants sustained very serious and extensive losses.

The practice seems to have originated in a connection which was formed between the mates of West

West India ships* and the criminal receivers residing near the river, who were accustomed to assail them under the pretence of purchasing what is called sweepings, or, in other words, the spillings or drainings of sugars, which remained in the hold and between the decks after the cargo was discharged. These sweepings were claimed as a perquisite by a certain proportion of the mates, contrary to the repeated and express rules established by the committee of merchants, who early saw the evils to which such indulgences would lead, and in vain attempted to prevent it. The connivance, however, of the revenue officers became necessary to get these sweepings on shore, and the quantity of spillings were gradually increased, year after year, by fraudulent means, for the purpose of satisfying the rapacity of all whose assistance and collusion was found necessary to obtain the object in view.

The connection thus formed, and the necessary facilities obtained, from the sale of sweepings, recourse was at length had to the disposal of as much of the cargo as could be obtained, by a licence to nightly plunderers, composed of receivers, coopers, watermen, and aquatic labourers, who, having made a previous agreement with the mate and revenue officers, were permitted, on paying from thirty to fifty guineas, to come on board in the night, to open as many hog-heads of sugar as were accessible, and to plunder without controul. For this purpose,

a cer-

* It is not here meant to criminate all the mates of ships in this trade; for a large proportion are known to be men worthy of the trust reposed in them. *Colquhoun.*

a certain number of bags dyed black, and which went under the appellation of Black Strap, were provided. The receivers, coopers, watermen, and lumpers, went on board at the appointed time, for all these classes were necessary. The hogsheads of sugar and packages of coffee, &c. were opened; the black bags were filled with the utmost expedition, and carried to the receivers, and again returned, to be re-filled, until day-light, or the approach of it, stopped the pillage for a few hours. On the succeeding night, the depredations were again renewed; and thus, on many occasions, from fifteen to twenty hogsheads of sugar and a large quantity of coffee, and also, in some instances, rum, which was removed by means of a small pump called a jigger, and filled into bladders with nozzles, were plundered in a single ship, in addition to the excessive depredations which were committed in the same ships by the lumpers, or labourers, who were employed during the day in the discharge of the cargo. Instances have been adduced, and judicially proved, of various specific ships having been plundered in an excessive degree in this manner; and it has been estimated, upon credible authority, that, previous to the establishment of the marine police, above one fifth of the whole fleet suffered by nightly plunder. The ships subject to this species of depredation were generally known from the characters of the mates or revenue officers who were on board, and were denominated Game Ships, where the aquatic labourers called lumpers would on every occasion agree to work without wages, and even solicit their employers to be preferred on these terms, trusting to a general licence to plunder for their remuneration.

This nefarious traffic had long been reduced to a regular

regular system. The mode of negotiation necessary to obtain all the requisite advantages for carrying into execution these iniquitous designs was not only perfectly understood, but in most cases, where new officers were to be practised upon, a plan of seduction was resorted to which seldom failed to succeed, when one or more of the old practitioners in this species of criminality happened to be stationed in the ship. In this particular line of aquatic depredations, which certainly was the most mischievous, scenes of iniquity have been developed which, from their extent and magnitude, could not have been credited, had they stood on any other foundation than that of regular judicial proofs. *Ibid.*

The Lumpers, mentioned above, otherwise denominated *Heavy Horsemen*, are of the most criminal class, who generally selected ships where plunder was most accessible, either from the criminal connivance of the mates and revenue officers, in permitting nightly plunder, or from the carelessness or inattention of these officers.

This class, many of whom occasionally assisted in the depredations committed during the night, were exceedingly audacious and depraved. They generally went on board of West India ships, furnished with habiliments made on purpose to conceal sugar, coffee, cocoa, pimento, ginger, and other articles, which they conveyed on shore in great quantities by means of an under-waistcoat, containing pockets all round, denominated a *Jemie*, and also by providing long bags, pouches, and socks, which were tied to their legs and thighs under their trowsers.

It is a well-established fact, which does not admit even of the shadow of a doubt, that these miscreants, during the discharge of what they called a

Game Ship, have been accustomed to divide from three to four guineas a-piece every night, from the produce of their plunder, independent of the hush-money paid to officers and others, for conniving at their nefarious practices.

Long habituated to this species of depredation, they became at length so audacious, that it was found extremely difficult to controul them, where a disposition existed to protect the cargo from pillage, and where no seduction had taken place. And, indeed, so adroit had this class of lumpers become, that no ship escaped plunder in a certain degree, wherever they were employed, in spite of the greatest vigilance and attention on the part of many of the ship-masters. *Ibid.*

The Lumpers have been considerably assisted by the *Mud Larks*, so called from their being accustomed to prow about, at low water, under the quarters of West India ships, or at least that class which were denominated Game, these being mostly the objects of pillage, under pretence of grubbing in the mud for old ropes, iron, and coals, &c. but whose chief object, when in such situations, was to receive and conceal small bags of sugar, coffee, pimento, ginger, and other articles, and sometimes bladders containing rum, which they conveyed to such houses as they were directed, and for which services they generally received a share of the booty.

Ibid.

See RECEIVERS, POLICE (MARINE), SCUFFLE-HUNTERS, and WATERMEN.

PLUNDERERS OF DOCK-YARDS.

The abuses, frauds, and embezzlements, in dock-

dock-yards are multifarious, and are perpetrated through the medium of a vast variety of agencies, which naturally divide themselves into two distinct branches.

The first relates to frauds committed by the connivance and assistance of clerks, store-keepers, and inferior officers, in the dock-yards and other repositories, and in ships of war and transports; in receiving and delivering naval, victualling, and ordnance, stores; in surveys, in returns of unserviceable stores; in what is called "solving off stores;" in fraudulent certificates; in the sale of old stores; and innumerable other devices; by which a number of individuals are enriched at the public expence, and a system of plunder is supported by fraudulent documents and vouchers of articles which have no existence but upon paper.

The second branch relates to the actual pillage of new and old cordage, bolts of canvas, sails, bunting, twine of all sorts, fearnought and kersey, leather and hides, old and new copper, locks, hinges, and bolts, copper bolts and nails in immense quantities, bar-iron, old iron, lead and solder, ship's plank, oars, timber of small sizes, blocks, quarter-stuff, candles, tallow, oil, paint, pitch, tar, turpentine, varnish, rosin, beer and water casks, iron hoops, biscuit-bags, beer, bread, wine, brandy, rum, oil, vinegar, butter, cheese, beef, pork, &c. All these articles suffer a vast annual diminution, by means of that plunder which has become habitual to a number of the inferior-servants of the crown, who have, in their respective situations, access to such stores.* This

* It is by no means to be inferred from what is

This species of plunder is much encouraged by the difficulty of detection. Vast quantities are constantly provided, and the storehouses are generally full: it happens, therefore, as a matter of course, that the articles which were recently deposited are issued first; and hence many valuable stores, it is said, have remained untouched and unseen for forty or fifty years, until a number of articles perish or become unserviceable from length of time. *Colquhoun.*

POLICE.

Police in this country may be considered as a new science; the properties of which consist not in the judicial powers which lead to punishment, and which belong to magistrates alone, but in the prevention and detection of crimes, and in those other functions which relate to internal regulations for the well ordering and comfort of civil society.

The police of the metropolis, in every point of view, is a subject of great importance to be known and understood; since every innocent and useful member of the community has a particular interest in the correct administration of whatever relates to the morals of the people, and to the protection of the public against fraud and depredation.

It

here stated, that there are not, both among the furnishers and contractors for public stores, as well as the officers and clerks employed in the departments here alluded to, many individuals of great honour and integrity. It is to be hoped, the fraudulent are the smallest in point of number, or that they will soon be so. *Colquhoun.*

It is by the general influence of good laws, aided by the regulations of an energetic police, that the blessings of true liberty and the undisturbed enjoyment of property are secured. *Colquhoun's Preface.*

To understand the police of the metropolis to that extent which is necessary to direct and superintend it's general operations, it must be acted upon practically ; and those who undertake the superintendence and management alluded to must be men, able, intelligent, prudent, and indefatigable, devoting their whole attention to this object alone. Clerks might be continually employed with great advantage in entering and posting up under the proper heads such new information as should be obtained from day to day ; and hours should be appointed for receiving such intelligence from all proper and well-informed persons who might choose to offer the same ; so far as such information related to public wrongs, and offences against the peace, safety, and well being, of society. *Colquhoun.*

POLICE, MARINE.

Although the marine police has been unquestionably crippled by the want of those apposite legislative regulations upon which it's energy and utility, as a permanent establishment, must in a great measure depend, yet the proofs of the advantages which have resulted from it, not only to the West India trade, for the protection of which it was originally instituted, but also to the whole commerce and navigation of the port of London, are so decided and irrefragable, that specific details are unnecessary, especially since deputations of the most respectable merchants from the whole commercial body, sensible of the benefits derived from

the system, have solicited the sanction of government, for the purpose of passing a bill to extend the design, so as to afford the same protection to the general trade of the port, which has been experienced by the West Indian planters and merchants; and requesting to be permitted to defray the expence by an annual assessment upon the trade.

It may only be necessary in this place to state, that, under all the disadvantages and difficulties attending the execution of this design, it may truly be said to have worked wonders in reforming the shocking abuses which prevailed. The river pirates do not now exist in any shape. The nightly plunderers, denominated *light horsemen*, have not dared in a single instance to pursue their criminal designs. The working lumpers, denominated *heavy horse*, are no longer to be found loaded with plunder. Watermen are not now, as formerly, to be recognized in clusters, hanging upon the bows and quarters of West India ships under discharge, to receive plunder. Lightermen, finding nothing to be procured by attending their craft, are accustomed to desert them until the period when they are completely laden. Journeymen coopers do not wilfully demolish casks and packages as heretofore, since no advantage is to be reaped from the spillings of sugar, coffee, or other articles. The mud-larks find it no longer an object to prowl about ships at low water, while under discharge, since the resource for that species of iniquitous employment, which they were accustomed to solicit, is no longer in existence. The criminal class of revenue officers, who had long profited, in many instances to an enormous extent, by the nefarious practices which prevailed, have not been able to suppress their rage against the new police, by the vigilance of which they

they feel themselves deprived of the means of profiting by the system of plunder which they had so perfectly organized, and which, in collusion with the revenue watermen, they were so well able to cover by availing themselves of their official situations, on many occasions, in protecting to the houses of the receivers articles which were both stolen and smuggled.

By means of a police guard upon the quays, which forms a collateral branch of the general system, the scuffle-hunters and long-apron-men, who were accustomed to prowl about for the purpose of pillage, have in a great measure deserted the quays and landing-places; while the copemen and receivers, finding, from several examples which have been made, that their former infamous pursuits cannot be continued without the most imminent hazard, have, in many instances, declined business, while not a few of these mischievous members of society have quitted their former residences, and disappeared.

Such has been the effect of the remedy which has been applied towards the cure of the enormous evil of river plunder. *Colquhoun.*

POLYGAMY.

Polygamy was first declared felony by the statute of James the First, cap. 11; but not excluded from the benefit of clergy, and therefore not subject to the punishment of death.

Though, in one view, the having a plurality of wives or husbands appears only a political offence, yet it is undeniably a breach of religious and moral virtue, in a very high degree. It is true, indeed, that in the early ages of the world polygamy was
tolerated

tolerated both in Greece and Rome, even after the people had arrived at a high pitch of refinement. But since the institution of matrimony under the present form, polygamy must be considered as highly criminal, since marriage is an engagement which cannot be violated without the greatest injury to society. The public interest, therefore, requires that it should be punished; and the act 35th George III, cap. 67, which punishes this offence with transportation, is certainly not too severe. *Ibid.*

PRISONERS.

To form some judgment of the number of persons in this great metropolis who compose, at least, a part of the criminal phalanx engaged in depredations and acts of violence, it is only necessary to have recourse to the following statement of the number of prisoners discharged, during a period of four years, from the eight different gaols in the metropolis, and within the bills of mortality :

1. Discharged by proclamation and gaol-deliveries; having been committed in consequence of being charged with various offences, for which bills were not found by the grand jury, or where the prosecutors did not appear to maintain and support the charges — 5592
2. Discharged by acquittals in the different courts; frequently from having availed themselves of the defects of the law; from frauds in keeping back evidence, and other devices — 2962
3. Con-

Brought forward	—	—	8554
3. Convicts discharged from the different gaols, after suffering the punishment of imprisonment, &c. inflicted on them for the several offences	—	—	2484
Total	11038		

The following is a statement of the number of these discharges from the year 1792 to 1799 inclusive:—

1. Discharged by proclamations and gaol-deliveries	—	—	8650
2. Discharged by acquittals	—	—	4935
3. Discharged after punishment, or by being bailed or pardoned	—	—	6925
Total	20,510		

The number of prisoners committed annually for bail in the metropolis is from two thousand five hundred to three thousand.

The number tried at the Old Bailey from September 1790 to 1791, including eight sessions, one thousand and eighty-eight, out of which seven hundred and eleven were discharged.

Ditto, from April, 1793, to March, 1794, inclusive, one thousand and sixty, discharged, five hundred and sixty-seven.

In the year 1795, one thousand eight hundred and ninety-four prisoners were tried at the Old Bailey and the different assizes in the country, exclusive of a much greater number at the general and quarter sessions of the peace in the different counties. These trials in the superior courts of judicature, produced the following results:—

London.

	Lond.	Assizes in the Country.	Total.
Received sentence of death	44	174	218
transportation	84	159	243
Imprisoned and whipped	129	411	540
Judgment respited, to serve his Majesty	23	25	48
Acquitted	150	351	501
Discharged for want of pro- secutors	91	253	344
<i>Ibid.</i>	521	1373	1894

PRISONS. See CONFINEMENT, NEWGATE, and
HOUSES OF CORRECTION.

PROCEDURE, CRIMINAL.

If, in France, it should ever happen that the laws of humanity soften some of our * rigorous customs, without facilitating the commission of crimes, we may hope for reformation in those legal proceedings wherein our legislators seem to have been influenced by too much severity. Our criminal procedure appears in many instances to point only at the destruction of the accused. It is the only law which is uniform throughout the whole kingdom; a law which ought certainly to be no less favourable to the innocent than terrible to the guilty.

In England, a man may recover damages for false

* This was written during royalty: what would the writer have said of the present day? *Editor.*

false imprisonment. In France, on the contrary, an innocent person, who has had the misfortune to be thrown into a dungeon and tortured almost to death, has no consolation, no damages to hope for, no action against any one ; and, to add to his misfortune, he has for ever lost his reputation.—Why ? because his joints have been dislocated ; a circumstance which ought rather to inspire compassion and respect. The discovery of crimes, say they, requires severity ; it is a war of human justice against iniquity. But there is generosity and compassion even in war. The brave are ever compassionate ; and shall the law delight in barbarity ?

Let us compare the criminal procedure of the Romans with our's. With them, the evidence were heard publicly, in presence of the accused, who might answer or interrogate them, or employ counsel. This procedure was open and noble : it breathed Roman magnanimity.

With us, all is conducted in secret. A single judge, only attended by his clerk, hears each witness separately. This custom, established by Francis I, was confirmed by the commissioners who were employed to digest the ordinance of Lewis XIV, in 1670 ; which confirmation was entirely owing to a mistake. They imagined, in reading the Code "*de Testibus*," that the words "*testes intrare judicii secretum*" signified that the witnesses were examined in private ; but "*secretum*" means here the chamber of the judge. "*Intrare secretum*," if intended to signify private interrogation, would be false Latin. This part of our law, therefore, is founded on a solecism.

The evidence in these cases are commonly the dregs of the people, whom the judge may, in such private examination, make say whatsoever he pleases.

pleases. They are examined a second time, but still privately; and if, after this re-examination, they retract from their deposition, or vary in any material circumstance, they are punished as false evidence. So that if a simple honest fellow, recollecting that he has said too much, that he misunderstood the judge, or the judge him, revokes his deposition from a principle of justice, he is punished as a reprobate. The natural consequence of this is, that men will confirm a false testimony rather than expose themselves for their honesty to certain punishment.

The law seems to oblige the magistrate to be the enemy of the accused rather than his judge; it being left in the power of the magistrate to confront the evidence with the accused or not, as he shall think proper. Amazing! that so necessary a part of the procedure should be left undetermined!

A man being suspected of a crime, knowing that he is denied the benefit of counsel, flies his country; a step to which he is encouraged by every maxim of the law. But he may be condemned in his absence, whether the crime be proved or not. Strange laws! if a man be charged with owing a sum of money, before he can be condemned to pay the demand, it is required that the debt be proved; but if his life be in question, he may be condemned by default, without any proof of the crime! Is money then of more importance than life? O ye judges and legislators! consult the pious Antoninus and the good Trajan: they suffered not the absent to be condemned.

Do your laws then allow the privilege of counsel to an extortioner or a fraudulent bankrupt, and refuse it to one who may possibly be a very honest and honourable man? If there ever was an instance

of innocence being justified by means of counsel, the law which deprives the accused of that benefit is evidently unjust.

The parliament of Thoulouse hath a very singular custom relative to the validity of evidence. In other places, demi-proofs are admitted, which is a palpable absurdity, there being no such thing as demi-truth; but at Thoulouse they admit of quarters and eighths of a proof. For instance: an hearsay may be considered as a quarter, and another hearsay, more vague than the former, as an eighth; so that eight hearsays, which in fact are no other than the echo of a groundless report, constitute a full proof. Upon this principle it was, that poor Calas was condemned to the wheel.

Voltaire.

PROOFS OF A CRIME CONSIDERED.

The proofs of the crime being obtained and the certainty of it determined, it is necessary to allow the criminal time and means for his justification; but a time so short as not to diminish that promptitude of punishment which, it is certain, is one of the most powerful means of preventing crimes. A mistaken humanity may object to the shortness of the time; but the force of the objection will vanish if we consider that the danger of the innocent increases with the defects of the legislation.

The time for enquiry and for justification should be fixed by the laws, and not by the judge, who, in that case, would become legislator. With regard to atrocious crimes, which are long remembered, when they are once proved, if the criminal have fled, no time should be allowed; but in less considerable and more obscure crimes, a time should be

fixed, after which the delinquent should be no longer uncertain of his fate; for, in the latter case, the length of time, in which the crime is almost forgotten, prevents the example of impunity, and allows the criminal to amend, and become a better member of society.

General principles will here be sufficient, it being impossible to fix precisely the limits of time for any given legislation, or for any society in any particular circumstance. I shall only add, that, in a nation willing to prove the utility of moderate punishment, laws which, according to the nature of the crime, increase or diminish the time of enquiry and justification, considering the imprisonment or the voluntary exile of the criminal as a part of the punishment, will form an easy division of a small number of mild punishments for a great number of crimes.

But it must be observed, the time for enquiry and justification should not increase in direct proportion to the atrociousness of crimes; for the probability of such crimes having been committed is inversely as their atrociousness. Therefore, the time for enquiring ought in some cases to be diminished, and that for justification increased, et vice versa. *Beccaria.*

PROOF, WHEN DIFFICULT.

There are some crimes which, though frequent in society, are of difficult proof, a circumstance admitted as equal to the probability of the innocence of the accused. But as the frequency of these crimes is not owing to their impunity so much as to other causes, the danger of their passing unpunished is of less importance, and therefore the time of examination

amination and prescription may be equally diminished. These principles are different from those commonly received; for it is in crimes which are proved with the greatest difficulty, such as adultery and sodomy, that presumptions, half proofs, &c., are admitted; as if a man could be half innocent, and half guilty: that is, half punishable, and half absolvable. It is in these cases that torture should exercise its cruel power on the person of the accused, the witnesses, and even his whole family, as, with unfeeling indifference, some civilians have taught, who pretend to dictate laws to nations.

Adultery is a crime which, politically considered, owes its existence to two causes: viz. pernicious laws, and the powerful attraction between the sexes. This attraction is similar in many circumstances to gravity, the spring of motion in the universe. Like this, it is diminished by distance; one regulates the motion of the body, the other of the soul. But they differ in one respect; the force of gravity decreases in proportion to the obstacles that oppose it; the other gathers strength and vigour as the obstacles increase.

If I were speaking to nations guided only by the laws of nature, I would tell them, that there is a considerable difference between adultery and all other crimes. Adultery proceeds from an abuse of that necessity which is constant and universal in human nature; a necessity anterior to the formation of society, and, indeed, the founder of society itself; whereas all other crimes tend to the destruction of society, and arise from momentary passions, and not from a natural necessity. It is the opinion of those who have studied history and mankind, that this necessity is constantly in the same degree in the same climate. If this be true, useless, or,

rather, pernicious, must all laws and customs be which tend to diminish the sum total of the effects of this passion. Such laws would only burden one part of society with the additional necessities of the other; but, on the contrary, wise are the laws which, following the natural course of the river, divide the stream into a number of equal branches, preventing thus both sterility and inundation.

Conjugal fidelity is always greater in proportion as marriages are more numerous and less difficult. But when the interest or pride of families, or paternal authority, not the inclination of the parties, unite the sexes, gallantry soon breaks the slender ties, in spite of common moralists, who exclaim against the effect, whilst they pardon the cause. But these reflections are useless to those who, living in the true religion, act from sublimer motives, which correct the eternal laws of nature.

The act of adultery is a crime so instantaneous, so mysterious, and so concealed by the veil which the laws themselves have woven, a veil necessary, indeed, but so transparent as to heighten rather than conceal the charms of the object, the opportunities are so frequent, and the danger of discovery so easily avoided, that it were much easier for the laws to prevent this crime, than to punish it when committed.

To every crime which, from its nature, must frequently remain unpunished, the punishment is an incentive. Such is the nature of the human mind, that difficulties, if not unsurmountable, nor too great for our natural indolence, embellish the object and spur us on to the pursuit. They are so many barriers, that confine the imagination to the object, and oblige us to consider it in every point of view. In this agitation, the mind naturally inclines

inclines and fixes itself to the most agreeable part, studiously avoiding every idea that might create disgust.

The crime of sodomy, so severely punished by the laws, and for the proof of which are employed tortures which often triumph over innocence itself, has its source much less in the passions of man in a free and independent state than in society and a slave. It is much less the effect of a satiety in pleasures than of that education which, in order to make men useful to others, begins by making them useless to themselves. In those public seminaries, where ardent youth are carefully excluded from all commerce with the other sex, as the vigour of nature blooms it is consumed in a manner not only useless to mankind, but which accelerates the approach of old age.

The murder of bastard children is, in like manner, the effect of a cruel dilemma, in which a woman finds herself who has been seduced through weakness or overcome by force. The alternative is, either her own infamy or the death of a being incapable of feeling the loss of life. How can she avoid preferring the last to the inevitable misery of herself and her unhappy infant? The best method of preventing this crime would be effectually to protect the weak woman from that tyranny which exaggerates all vices that cannot be concealed under the cloak of virtue. *Beccaria.*

PROSECUTORS. See TRIALS.

PROSTITUTES.

In contemplating the case of these unhappy females, it is impossible to avoid dropping a tear of pity.

pity. Many of them, perhaps, originally seduced from a state of innocence, while they were the joy and comfort of their unhappy parents—many of them born and educated to expect a better fate, until deceived by falsehood and villainy, they see their error when it is too late to recede. In this situation, abandoned by their relations and friends, deserted by their seducers and at large upon the world, loathed and avoided by those who formerly held them in estimation, what are they to do? In the present unhappy state of things, they seem to have no alternative, but to become the miserable instruments of promoting and practising that species of seduction and immorality of which they themselves were the victims.* And what is the result?—It is pitiable to relate.—They are compelled of necessity to mingle with the abandoned herd who have long been practised in the walks of infamy, and they too become speedily polluted and depraved. Oaths, imprecations, and obscene language, by degrees become familiar to their ears, and necessity compels them to endure, and at length to imitate, and practise in their turn, upon the unwary youth, who too easily falls into the snare.

Thus it is from the multitudes of those unhappy females,

* It is in the first stage of seduction, before the female mind becomes vitiated and depraved, that Asylums are most useful. If persons in this unhappy situation had it in their power to resort to a medium, whereby they might be reconciled to their relations, while uncontaminated by the vices attached to General Prostitution, numbers, who are now lost, might be saved to society. *Colquhoun.*

females, that assemble now in all parts of the town, that the morals of the youth are corrupted; that unnecessary expences are incurred, and undue, and too often criminal, means are resorted to, for the purpose of gratifying passions which, but for those temptations which constantly assail them in almost every street in the metropolis, would not have been thought of. Through this medium, apprentices, clerks, and other persons in trust, are seduced from the paths of honesty, masters are plundered, and parents are afflicted; while many a youth, who might have become the pride of his family, a comfort to the declining years of his parents, and an ornament to society, exchanges a life of virtue and industry for the pursuits of the gambler, the swindler, and the vagabond. Nor is the lot of these poor deluded females less deplorable. Altho' some few of them may obtain settlements, while others bask for a while in the temporary sunshine of ease and splendour, the major part end a short life in misery and wretchedness.

What has become of the multitudes of unfortunate females, elegant in their persons and sumptuous in their attire, who were seen in the streets of the metropolis and at places of public amusement twenty years ago? Alas! could their progress be developed, and their ultimate situations or exit from the world disclosed, it would lay open a catalogue of sufferings and affliction, beyond what the most romantic fancy could depict or exhibit to the feeling mind.

Exposed to the rude insults of the inebriated and the vulgar, the impositions of brutal officers and watchmen, and to the chilling blasts of the night, during the most inclement weather, in thin apparel, partly in compliance with the fashion of the day, but

but more frequently from the pawnbroker's shop rendering their necessary garments inaccessible, diseases, where their unhappy vocation does not produce them, are generated. No pitying hand appears to help them in such situations. The feeling parent or relation is far off. An abandoned monster of the same sex, inured in the practice of infamy and seduction, instead of the consolation which sickness requires, threatens to turn the unhappy victim out of doors, when the means of subsistence are cut off, and the premium for shelter is no longer forth-coming; or perhaps the unfeeling landlord of a miserable half-furnished lodging afflicts the poor unhappy female, by declarations equally hostile to the feelings of humanity, till, at length, turned out into the streets, she languishes and ends her miserable days in an hospital or a workhouse, or perhaps perishes in some inhospitable hovel alone, without a friend to console her, or a fellow-mortal to close her eyes in the pangs of dissolution.

If no other argument could be adduced in favour of some arrangements calculated to stop the progress of female prostitution, compassion for the sufferings of the unhappy victims would be sufficient; but other reasons occur, equally powerful, why this evil should be controlled.

To prevent it's existence, even to a considerable extent, in so great a metropolis as London, is as impossible as to resist the torrent of the tides. It is an evil, therefore, which must be endured while human passions exist; but it is at the same time an evil which may not only be lessened, but rendered less noxious and dangerous to the peace and good order of society: it may be stript of it's indecency, and

and also of a considerable portion of the danger attached to it, to the youth of both sexes.

The lures for the seduction of youth passing along the streets in the course of their ordinary business may be prevented by a police applicable to this object, without either infringing upon the feelings of humanity or insulting distress; and still more is it practicable to remove the noxious irregularities which are occasioned by the indiscreet conduct and the shocking behaviour of women of the town and their still more blameable paramours, in openly insulting public morals, and rendering the situation of modest women at once irksome and unsafe, either in places of public entertainment or while passing along the most public streets of the metropolis, particularly in the evening.

This unrestrained licence given to males and females in the walks of prostitution was not known in former times at places of public resort, where there was at least an affectation of decency. To the disgrace, however, of the police, the evil has been suffered to increase; and the boxes of the theatres often exhibit scenes which are certainly extremely offensive to modesty, and contrary to that decorum which ought to be maintained, and that protection to which the respectable part of the community are entitled against indecency and indecorum, when their families, often composed of young females, visit places of public resort.

In this instance, the enduring such impropriety of conduct, so contrary to good morals, marks strongly the growing depravity of the age. To familiarize the eyes and ears of the innocent part of the sex to the scenes which are often exhibited in the theatres, is tantamount to carrying them to a school of vice and debauchery.—

Vice

Vice is a monster of such frightful mien,
That to be hated needs but to be seen;
Yet seen too oft—familiar with her face,
We first endure—then pity—then embrace.

For the purpose of understanding more clearly by what means it is possible to lessen the evils arising from female prostitution in the metropolis, it may be necessary to view it in all its ramifications.

In point of extent, it certainly exceeds credibility; but, although there are many exceptions, the great mass, whatever their exterior may be, are mostly composed of women who have been in a state of menial servitude, and of whom not a few, from the love of idleness and dress, with, in this case, the misfortune of good looks, have, partly from inclination, not seldom from previous seduction and loss of character, resorted to prostitution as a livelihood.

They are still, however, objects of compassion, although, under the circumstances incident to their situation, they cannot be supposed to experience those poignant feelings of distress, which are peculiar to women who have moved in a higher sphere, and who have been better educated.

The whole may be estimated as follows:

1. Of the class of well educated women,
it is earnestly hoped the number does
not exceed ————— 2,000
2. Of the class composed of persons above
the rank of menial servants, perhaps 3,000
3. Of the class who may have been em-
ployed as menial servants, or seduced
in very early life, it is conjectured, in
all parts of the town, including Wap-

ping

ping and the streets adjoining the river,
there may not be less, who live wholly
by prostitution, than —

10,000

25,0000

4. Of those, in different ranks in society,
who live partly by prostitution, includ-
ing the multitudes of low females who
cohabit with labourers and others with-
out matrimony, there may be in all, in
the metropolis, about —

25,000

Total 50,000

When a general survey is taken of the metropolis, the great numbers among the higher and middle classes of life who live unmarried, the multitudes of young men yearly arriving at the age of puberty, the strangers who resort to the metropolis, the seamen and nautical labourers employed in the trade of the river Thames, who amount at least to forty thousand, and the profligate state of society in vulgar life—the intelligent mind will soon be reconciled to the statement, which at first view would seem to excite doubts and require investigation.

But whether the numbers of these truly unfortunate women are a few thousands less or more is of no consequence in the present discussion, since it is beyond all doubt, that the evil is of a magnitude that is excessive, and imperiously calls for a remedy.—Not, certainly, a remedy against the possibility of female prostitution; for it has already been stated, that it is a misfortune that must be endured in large societies. All that can be attempted is, to divest it of the faculty of extending its noxious influence beyond certain bounds, and restrain those excesses

excesses and indecencies which have already been shewn to be so extremely noxious to society, and unavoidably productive of depravity and crimes.

Colquhoun.

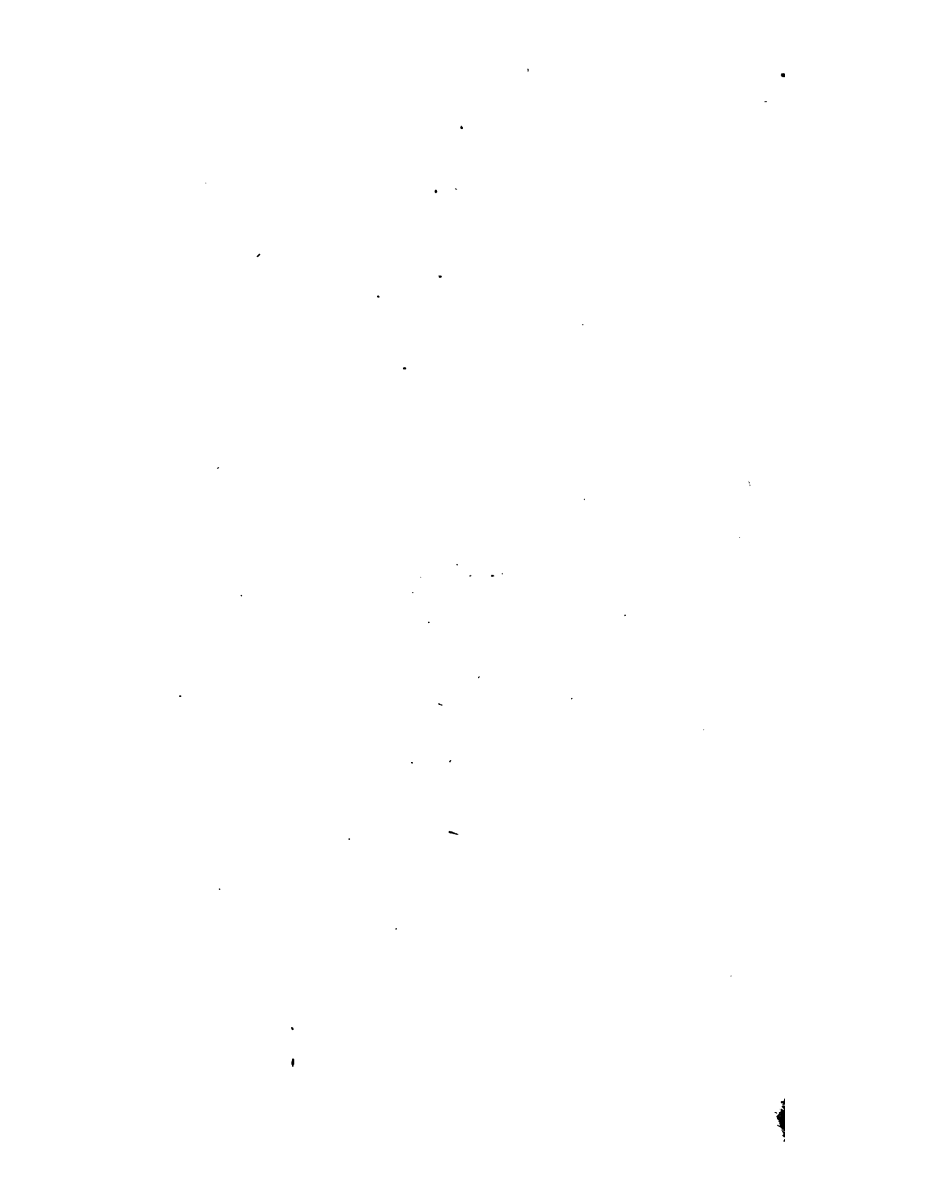
PUBLICATIONS, IMMORAL AND INDECENT.

Nothing can exhibit in a stronger point of view the deficiency of the police system than the number of immoral books which are published and circulated, and the indecent prints which are exhibited and sold in the various streets of the metropolis, all tending, in no inconsiderable degree, to the corruption of morals. Let it once become a part of the functions of the proposed board of police to take cognizance of these abuses, and they will soon cease to convey that poison to young minds which ultimately leads to dissolute manners and loose conduct in the general intercourse of life. *Ibid.*

The society for suppressing vice have frequently prosecuted the venders of indecent publications, and by their laudable exertions this evil has been in a great measure remedied. *Editor.*

PUBLIC GARDENS.

The corruption of morals has been in a considerable degree promoted, not only by the assemblage of lewd and debauched company who have of late years crowded to public gardens, but also by the unrestrained licence which has been permitted in these places of amusement. This circumstance has not only called upon the magistrates to refuse the renewal of the licenses to several of the occupiers, lessees, and proprietors, but it has precluded the more decent and respectable part of the public, in
the





IMPALEMENT

the middle walks of life, from what might, under proper regulations, be considered as an innocent and a desirable recreation for the inhabitants of an over-grown metropolis. Most of the remaining public gardens have of late years fallen into disrepute, to the injury of the proprietors, who, under the present deficient system of police, have no means of protecting themselves against the consequences of those irregularities which operate powerfully in diminishing the number of visitors, upon which their emolument depends.

While profligate and debauched characters of both sexes find not only an easy access to these places of amusement, but also have permission to insult public morals, by doing violence to the rules of decency and decorum, it is evident that they must gradually cease to be desirable as a recreation to the virtuous part of the community; and there appears to be no remedy but by means of police regulations, prescribing proper rules, with officers appointed by the central board, for the purpose of carrying them into effect. Indeed, if such places of resort were licensed only by the proposed central board, it might be productive of the greatest advantages; and they might be a fair source of revenue for police purposes, to a certain moderate extent. *Colquhoun.*

PUFFERS. See AUCTIONEERS.

PUNISHMENTS.

What are, in general, the proper punishments for crimes? Is the punishment of death really useful, or necessary for the safety or good order of society? Are tortures and torments consistent with

justice, or do they answer the end proposed by the laws? Which is the best method of preventing crimes? Are the same punishments equally useful at all times?—These problems should be solved with that geometrical precision which the mist of sophistry, the seduction of eloquence, and the timidity of doubts, are unable to resist.

It is evident, that the intent of punishments is not to torment a sensible being, nor to undo a crime already committed. Is it possible that torments and useless cruelty, the instrument of furious fanaticism or the impotency of tyrants, can be authorized by a political body, which, so far from being influenced by passion, should be the cool moderator of the passions of individuals? Can the groans of a tortured wretch recal the time past or reverse the crime he has committed?

The end of punishment, therefore, is no other than to prevent the criminal from doing further injury to society, and to prevent others from committing the like offence. Such punishments, therefore, and such a mode of inflicting them, ought to be chosen, as will make the strongest and most lasting impressions on the minds of others, with the least torment to the body of the criminal. *Beccaria.*

All punishments should be proportioned to the nature of the offence committed; and the legislature, in adjusting punishments with a view to the public good, ought, according to the dictates of sound reason, to act on a comparison of the crime under consideration with other offences injurious to society; and thus, by comparing one offence with another, to form a scale, or gradation, of punishments as nearly as possible consistent with the strict rules of distributive justice.

It is the triumph of liberty, says the great Montesquieu,

tesquien, when the criminal laws proportion punishments to the particular nature of each offence. It may be further added, that when this is the case, it is also the triumph of reason.

In order to ascertain in what degree the public is injured or endangered by any crime, it is necessary to weigh well and dispassionately the nature of the offence, as it affects the community. It is through this medium that treason and rebellion are discovered to be higher and more dangerous offences than breaches of the peace by riotous assemblies; as such riotous meetings are in like manner considered as more criminal than a private assault.

In punishing delinquents, two objects ought to be invariably kept in view :

1. The amendment of the delinquent.
2. The example afforded to others.

To which may be added, in certain cases,

3. Retribution to the party injured. *Colquhoun.*

PUNISHMENTS, ADVANTAGE OF IMMEDIATE.

The more immediately after the commission of a crime a punishment is inflicted, the more just and useful it will be. It will be more just, because it spares the criminal the cruel and superfluous torment of uncertainty, which increases in proportion to the strength of his imagination and the sense of his weakness; and because the privation of liberty, being a punishment, ought to be inflicted before condemnation but for as short a time as possible. Imprisonment, I say, being only the means of securing the person of the accused until he be tried, condemned, or acquitted, ought not only to be of as short duration, but attended with as little severity, as possible. The time should be determined by

the necessary preparation for the trial, and the right of priority in the oldest prisoners. The confinement ought not to be closer than is requisite to prevent his flight or his concealing the proofs of the crime ; and the trial should be conducted with all possible expedition. Can there be a more cruel contrast than that between the indolence of a judge and the painful anxiety of the accused ? the comforts and pleasures of an insensible magistrate, and the filth and misery of the prisoner ? In general, the degree of the punishment and the consequences of a crime ought to be so contrived, as to have the greatest possible effect on others, with the least possible pain to the delinquent. If there be any society in which this is not a fundamental principle, it is an unlawful society ; for mankind, by their union, originally intended to subject themselves to the least evils possible.

An immediate punishment is more useful ; because the smaller the interval of time between the punishment and the crime, the stronger and more lasting will be the association of the two ideas of crime and punishment ; so that they may be considered, one as the cause, and the other as the unavoidable and necessary effect. It is demonstrated, that the association of ideas is the cement which unites the fabric of the human intellect, without which pleasure and pain would be simple and ineffectual sensations. The vulgar, that is, all men who have no general ideas or universal principles, act in consequence of the most immediate and familiar associations ; but the more remote and complex only present themselves to the minds of those who are passionately attached to a single object, or to those of greater understanding, who have acquired an habit of rapidly comparing together a number
of

of objects, and of forming a conclusion ; and the result, that is, the action in consequence, by these means becomes less dangerous and uncertain.

It is, then, of the greatest importance that the punishment should succeed the crime as immediately as possible, if we intend that, in the rude minds of the multitude, the seducing picture of the advantage arising from the crime should instantly awake the attendant idea of punishment. Delaying the punishment serves only to separate these two ideas, and thus affects the minds of the spectators rather as being a terrible sight than the necessary consequence of a crime, the horror of which should contribute to heighten the idea of the punishment.

There is another excellent method of strengthening this important connection between the ideas of crime and punishment : that is, to make the punishment as analogous as possible to the nature of the crime, in order that the punishment may lead the mind to consider the crime in a different point of view from that in which it was placed by the flattering idea of promised advantages.

Crimes of less importance are commonly punished either in the obscurity of a prison, or the criminal is transported, to give by his slavery an example to societies which he never offended ; an example absolutely useless, because distant from the place where the crime was committed. Men do not, in general, commit great crimes deliberately, but rather in a sudden gust of passion ; and they commonly look on the punishment due to a great crime as remote and improbable. The public punishment, therefore of small crimes will make a greater impression, and, by deterring men from the smaller, will effectually prevent the greater. *Beccaria.*

PUNISHMENTS, CORPORAL.

In Germany, punishment is inflicted with a whip, rod, or stick, publicly, on the criminal; the degree of punishment, within one hundred lashes or strokes at one time, depends on the sound prudence of the judge. See CHAIN.

PUNISHMENTS, IMPARTIAL.

What punishments shall be ordained for the nobles, whose privileges make so great a part of the laws of nations? I do not mean to enquire whether the hereditary distinction between nobles and commoners be useful in any government or necessary in a monarchy; or whether it be true that they form an intermediate power, of use in moderating the excesses of both extremes; or whether they be not rather slaves to their own body and to others, confining within a very small circle the natural effects and hopes of industry, like those little fruitful spots scattered here and there in the sandy deserts of Arabia; or whether it be true that a subordination of rank and condition is inevitable or useful in society; and, if so, whether this subordination should not rather subsist between individuals than particular bodies, whether it should not rather circulate through the whole body politic than be confined to one part, and, rather than be perpetual, should it not be incessantly produced and destroyed — be these as they may, I assert that the punishment of a nobleman should in no wise differ from that of the lowest member of society.

Every lawful distinction, either in honours or riches, supposes previous equality, founded on the laws, on which all the members of society are considered

sidered as being equally dependent. We should suppose that men, in renouncing their natural despotism, said, "The wisest and most industrious among us should obtain the greatest honours, and his dignity shall descend to his posterity. The fortunate and happy may hope for greater honours, but let him not therefore be less afraid than others of violating those conditions on which he is exalted." It is true, indeed, that no such decrees were ever made in a general diet of mankind, but they exist in the invariable relations of things; nor do they destroy the advantages which are supposed to be produced by the class of nobles, but prevent the inconveniences; and they make the laws respectable, by destroying the hopes of impunity.

It may be objected, that the same punishment inflicted on a nobleman and a plebeian becomes really different, from the difference of their education, and from the infamy it reflects on an illustrious family. But punishments are to be estimated not by the sensibility of the criminal, but by the injury done to society; which injury is augmented by the high rank of the offender. The precise equality of a punishment can never be more than external, as it is in proportion to the degree of sensibility, which differs in every individual. The infamy of an innocent family may be easily obliterated by tokens of favour from the sovereign, and forms have always more influence than reason on the gazing multitude. *Beccaria.*

PUNISHMENTS, MEASURE OF.

There are two circumstances which ought also to be minutely considered in apportioning the measure of punishment; the immorality of the action, and its evil tendency. Nothing

Nothing contributes in a greater degree to deprave the minds of the people than the little regard which laws pay to morality ; by inflicting more severe punishments on offenders who commit, what may be termed, political crimes, and crimes against property, than on those who violate religion and virtue.

When we are taught, for instance, by the measure of punishment, that it is considered by the law as a greater crime to coin a sixpence than to kill our father or mother, nature and reason revolt against the proposition.

In offences which are considered by the legislature as merely personal, and not in the class of public wrongs, the disproportion of punishment is extremely shocking.

If, for example, a personal assault is committed of the most cruel, aggravated, and violent, nature, the offender is seldom punished in any other manner than by fine and imprisonment ; but if a delinquent steals from his neighbour secretly more than the value of twelpence, the law dooms him to death ; and he can suffer no greater punishment, except the ignominy exercised on his dead body, if he robs and murders a whole family. Some private wrongs of a flagrant nature are even passed over with impunity. The seduction of a married woman, the destruction of the peace and happiness of families, resulting from alienating a wife's affections, and defiling her person, is not an offence punishable by the criminal law ; while it is death to rob the person who has suffered this extensive injury of a trifle exceeding a shilling. *Colquhoun.*

PUNISHMENTS, MILDNESS OF.

Crimes are more effectually prevented by the certainty

certainty than the severity of punishment. Hence, in a magistrate, the necessity of vigilance, and in a judge, of implacability; which, that it may become an useful virtue, should be joined to a mild legislation. The certainty of a small punishment will make a stronger impression than the fear of one more severe, if attended with the hopes of escaping; for it is the nature of mankind to be terrified at the approach of the smallest inevitable evil; whilst hope, the best gift of heaven, hath the power of dispelling the apprehension of a greater, especially if supported by examples of impunity too frequently afforded. *Beccaria*.

PUNISHMENTS, ORIGIN OF.

Laws are the conditions under which men, naturally independent, united themselves in society. Weary of living in a continual state of war, and of enjoying a liberty which became of little value, from the uncertainty of it's duration, they sacrificed one part of it, to enjoy the rest in peace and security. The sum of all these portions of the liberty of each individual constituted the sovereignty of a nation, and was deposited in the hands of the sovereign, as the lawful administrator. But it was not sufficient only to establish this deposit; it was also necessary to defend it from the usurpation of each individual, who will always endeavour to take away from the mass, not only his own portion, but to encroach on that of others. Some motives, therefore, that strike the senses were necessary to prevent the despotism of each individual from plunging society into it's former chaos. Such motives are the punishments established against the infractors of the laws. Motives of this kind are necessary; because experience

experience shews that the multitude adopt no established principle of conduct; and because society is prevented from approaching to that dissolution to which, as well as all other parts of the physical and moral world, it naturally tends, only by motives that are the immediate objects of sense, and which, being continually presented to the mind, are sufficient to counterbalance the effects of the passions of the individual which oppose the general good. Neither the power of eloquence nor the sublimest truths are sufficient to restrain, for any length of time, those passions which are excited by the lively impressions of present objects. *Ibid.*

PUNISHMENTS, PECUNIARY.

There was a time when all punishments were pecuniary. The crimes of the subjects were the inheritance of the prince. An injury done to society was a favour to the crown; and the sovereign and magistrates, those guardians of the public security, were interested in the violation of the laws. Crimes were tried at that time in a court of exchequer, and the cause became a civil suit between the person accused and the crown. The magistrate then had other powers than were necessary for the public welfare, and the criminal suffered other punishments than the necessity of example required. The judge was rather a collector for the crown, an agent for the treasury, than a protector and minister of the laws. But, according to this system, for a man to confess himself guilty was to acknowledge himself a debtor to the crown; which was, and is at present, the effects continuing after the causes have ceased, the intent of all criminal causes. Thus, the criminal who refuses to confess his crime, though convicted

convicted by the most undoubted proofs, will suffer a less punishment than if he had confessed; and he will not be put to the torture to oblige him to confess other crimes which he might have committed, as he has not confessed the principal. But the confession being once obtained, the judge becomes master of his body, and torments him with a studied formality, in order to squeeze out of him all the profit possible. Confession, then, is allowed to be a convincing proof, especially when obtained by the force of torture; at the same time that an extra-judicial confession, when a man is at ease and under no apprehension, is not sufficient for his condemnation.

All enquiries which may serve to clear up the fact, but which may weaken the pretensions of the crown, are excluded. It was not from compassion to the criminal, or from considerations of humanity, that torments were sometimes spared, but out of fear of losing those rights which at present appear chimerical and inconceivable. The judge becomes an enemy to the accused, to a wretch a prey to the horrors of a dungeon, to torture, to death, and an uncertain futurity, more terrible than all: he enquires not into the truth of the fact, but the nature of the crime; he lays snares to make him convict himself; he fears lest he should not succeed in finding him guilty, and lest that infallibility which every man arrogates to himself should be called in question. It is in the power of the magistrate to determine what evidence is sufficient to send a man to prison; that he may be proved innocent, he must first be supposed guilty. This is what is called an *offensive* prosecution; and such are all criminal proceedings, in the present century, in all parts of our polished Europe. The true prosecution

for

for information, that is, an impartial enquiry into the fact, that which reason prescribes, which military laws adopt, and which Arabian despotism allows in suits of one subject against another, is very little practised in any courts of justice. What a labyrinth of absurdities! absurdities which will appear incredible to happier posterity. The philosopher only will be able to read in the nature of man the possibility of there ever having been such a system. *Ibid.*

PUNISHMENTS, RULES RELATIVE TO.

Towards accomplishing the desirable object of perfection in a criminal code, every wise legislature will have it in contemplation rather to prevent than to punish crimes; that, in the chastisement given, the delinquent may be restored to society as an useful member.

This purpose may possibly be best effected by the adoption of the following general rules.

1. That the statute law should accurately explain the enormity of the offence forbidden; and that its provisions should be clear and explicit, resulting from a perfect knowledge of the subject; so that justice may not be defeated in the execution.
2. That the punishments should be proportioned and adapted, as nearly as possible, to the different degrees of offences; with a proper attention also to the various shades of enormity which may attach to certain crimes.
3. That persons prosecuting, or compelled so to do, should not only be indemnified from expence, but also that reparation should be made for losses sustained by the injured party, in all cases where it can be obtained from the labour or property of the delinquent.
4. That

4. That satisfaction should be made to the state for the injury done to the community by disturbing the peace and violating the purity of society.

Political laws which are repugnant to the law of nature and reason ought not to be adopted. The objects above-mentioned seem to include all that can be necessary for the attention of lawgivers. *Colquhoun.*

Those injuries which affect the honour, that is, that just portion of esteem which every citizen has a right to expect from others, should be punished with infamy. Infamy is a mark of the public disapprobation, which deprives the object of all consideration in the eyes of his fellow-citizens, of the confidence of his country, and of that fraternity which exists between members of the same society. This is not always in the power of the laws. It is necessary that the infamy inflicted by the laws should be the same with that which results from the relations of things, from universal morality, or from that particular system, adopted by the nation and the laws, which governs the opinions of the vulgar. If, on the contrary, one be different from the other, either the laws will no longer be respected, or the received notions of morality and probity will vanish, in spite of the declamations of moralists, which are always too weak to resist the force of example. If we declare those actions infamous which are in themselves indifferent, we lessen the infamy of those which are really infamous.

The punishment of infamy should not be too frequent, for the power of opinion grows weaker by repetition; nor should it be inflicted on a number of persons at the same time, for the infamy of many resolves itself into the infamy of none. *Becaria.*

PUNISHMENTS, SEVERITY OF.

If punishments be very severe, men are naturally led to the perpetration of other crimes, to avoid the punishment due to the first. The countries and times most notorious for severity of punishments were always those in which the most bloody and inhuman actions and the most atrocious crimes were committed; for the hand of the legislator and the assassin were directed by the same spirit of ferocity which, on the throne, dictated laws of iron to slaves and savages, and in private instigated the subject to sacrifice one tyrant to make room for another.

In proportion as punishments become more cruel, the minds of men, as a fluid rises to the same height with that which surrounds it, grow hardened and insensible; and the force of the passions still continuing, in the space of an hundred years the wheel terrifies no more than formerly the prison. That a punishment may produce the effect required, it is sufficient that the evil it occasions should exceed the good expected from the crime, including in the calculation the certainty of the punishment and the privation of the expected advantage. All severity beyond this is superfluous, and, therefore, tyrannical.

Men regulate their conduct by the repeated impression of evils they know, and not by those with which they are unacquainted. Let us, for example, suppose two nations, in one of which the greatest punishment is perpetual slavery, and in the other the wheel: I say that both will inspire the same degree of terror, and that there can be no reasons for increasing the punishments of the first which are not equally valid for augmenting those of the second to more lasting and more ingenious modes of

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tormenting, and so on to the most exquisite refinements of a science too well known to tyrants.

There are yet two other consequences of cruel punishments, which counteract the purpose of their institution, which was to prevent crimes. The first arises from the impossibility of establishing an exact proportion between the crime and the punishment; for though ingenious cruelty hath greatly multiplied the variety of torments, yet the human frame can suffer only to a certain degree, beyond which it is impossible to proceed, be the enormity of the crime ever so great. The second consequence is impunity. Human nature is limited no less in evil than in good. Excessive barbarity can never be more than temporary, it being impossible that it should be supported by a permanent system of legislation; for if the laws be too cruel, they must be altered, or anarchy and impunity will succeed.

Is it possible, without shuddering with horror, to read in history of the barbarous and useless torments that were coolly invented and executed by men who were called sages? Who does not tremble at the thoughts of thousands of wretches whom their misery, either caused or tolerated by the laws, which favoured the few and outraged the many, had forced in despair to return to a state of nature, or accused of impossible crimes, the fabric of ignorance and superstition, or guilty only of having been faithful to their own principles—who, I say, can, without horror, think of their being torn to pieces, with slow and studied barbarity, by men endowed with the same passions and the same feelings?—a delightful spectacle to a fanatic multitude!

The useless profusion of punishments, which has never made men better, induces me to enquire whether

ther the punishments of death be really just or useful in a well governed state. What right have men to cut the throats of their fellow-creatures? certainly not that on which the sovereignty and laws are founded. The laws are only the sum of the smallest portions of the private liberty of each individual, and represent the general will, which is the aggregate of that of each individual. Did any one ever give to others the right of taking away his life? Is it possible that, in the smallest portions of the liberty of each, sacrificed to the good of the public, can be contained the greatest of all good, life! If it were so, how shall it be reconciled to the maxim which tells us that a man has no right to kill himself; which he certainly must have, if he could give it away to another?

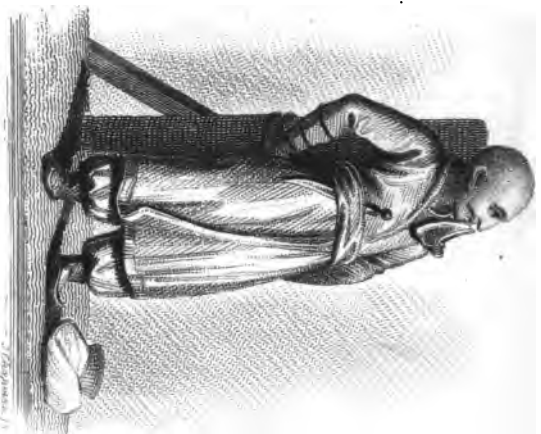
But the punishment of death is not authorized by any right; for no such right exists. It is, therefore, a war of a whole nation against a citizen, whose destruction they consider as necessary or useful to the general good. *Mod.*

See DEATH, PUNISHMENT OF.

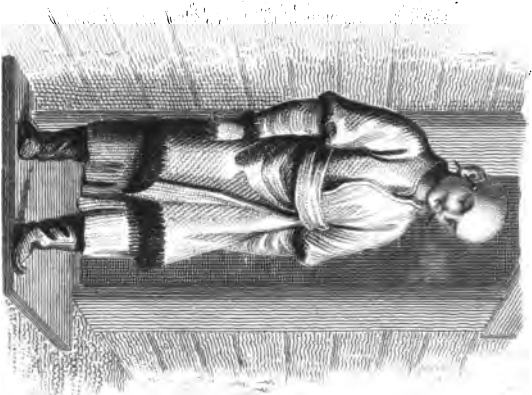
PUNISHMENTS, TURKISH.

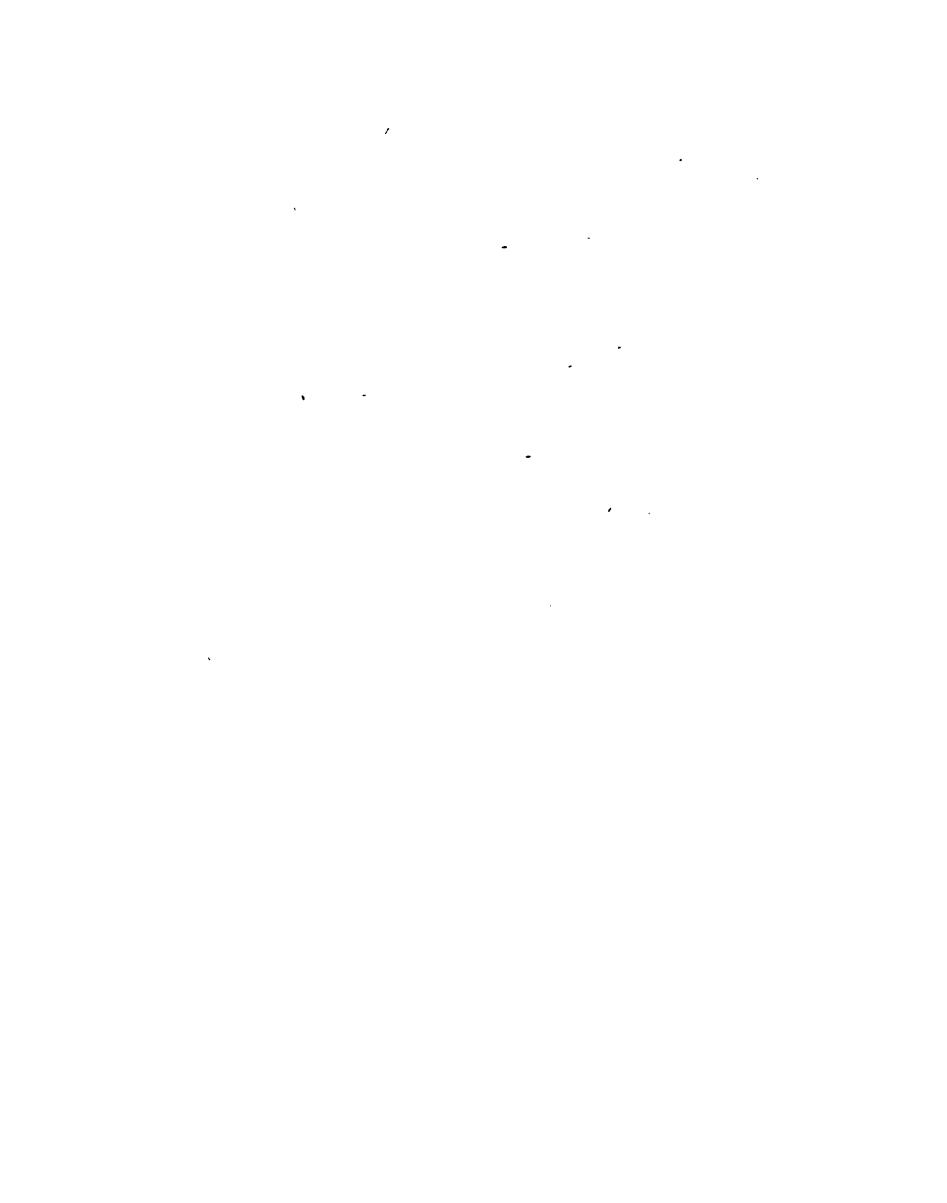
In Turkey, if a butcher sells short weight or stinking meat, for the first offence his meat is all given to the poor; he is tied to a post all day in the sun, a piece of stinking meat is hung close to his nose; besides, he is sentenced to pay a sum of money. For the second offence, he undergoes a severe corporal punishment, and pays a heavy fine; and for the third offence he is put to death.

If a baker sells short weight or bad bread, for the first offence his bread is given to the poor, and he is nailed to his door, sometimes by one ear, some-
times



PUNISHMENT OF A TURKISH BUTCHER AND BAKER





times by two, for the space of twenty-four hours. For the second offence, his bread is given to the poor, and he receives two or three hundred bastinadoes on his feet, sometimes on his back; afterwards, they put his head through a hole in a large board loaded with lead, and force him to walk through the principal streets, until he is almost exhausted. If he survives this, and commits a third offence, he is beheaded.

PUNISHMENTS, VARIOUS, OF DIFFERENT COUNTRIES.

Lewis IX, king of France, who, for his virtues, was numbered among the saints, made a law against blasphemers. He condemned them to a new punishment: their tongues were pierced with a hot iron. It was a kind of retaliation, the sinning member suffering the punishment. But it was somewhat difficult to determine what was blasphemy. Expressions frequently escape from a man in a passion, from joy, or even in conversation, which are merely expletives, such as the *sela* and the *vab* of the Hebrews, the *pol* and the *ædèpal* of the Latins, as also "per deos immortales," an expression frequently used without the least intention of swearing by the immortal gods.

The words which are called oaths and blasphemy are commonly vague terms which may be variously interpreted. The law by which they are punished seems to be founded on that of the Jews, which says, "Thou shalt not take the name of the Lord thy God in vain." The best commentators are of opinion, that this commandment relates to perjury; and there is the more reason to believe them right, as the word *shavé*, which is translated "in vain,"

properly signifies perjury. Now what analogy can there be between perjury and *cabo de dios, cadebis, sangbleu, ventrebieu, corpo di dio, &c.*?

It was customary with the jews to swear by the life of God, "as the Lord liveth:" the phrase was common, so that it was *lying* in the name of God that was forbidden.

Philip Augustus, in 1181, condemned the nobility who should pronounce the words which are softened in the terms *tetebleu, ventrebieu, corbleu, sangbleu*, to pay a fine, and the plebeians to be drowned. The first part of this law seems puerile, the latter abominable. It was an outrage to nature to drown *one* man for a crime for which another paid a few pence of the money of those times. So that this law, like many others, remained unexecuted, especially when the king was excommunicated, and his kingdom interdicted, by Pope Celestine III.

St. Lewis, transported with zeal, ordered indiscriminately, that whosoever should pronounce these indecent words should have his tongue bored or his upper lip cut off. A citizen of Paris having suffered this punishment, complained to Pope Innocent IV. This pontiff remonstrated to the king, that the punishment was too great for the crime; which, however, had no effect upon his majesty. Happy had it been for mankind if the popes had never affected any other superiority over kings.

The ordinance of Lewis XIV says, "Those who shall be convicted of having sworn by or blasphemed the holy name of God, of his most holy mother, or of his saints, shall, for the first offence, pay a fine; for the second, third, and fourth, a double, triple, and quadruple, fine; for the fifth, shall be put in the stocks; for the sixth, shall stand in the pillory and lose his upper lip; for the seventh, shall have his tongue cut out." This

This law appears to be humane and just, as it inflicts a cruel punishment only on a sevenfold repetition, which can hardly be presumed.

But with regard to more atrocious profanations; which are called sacrilege, the criminal ordinance mentions only robbing of churches: it takes no notice of public impieties, perhaps because they were not supposed to happen, or were too difficult to specify. They are left, therefore, to the discretion of the judge; and yet nothing ought to be left to discretion.

In such extraordinary cases, how is the judge to act?—He should consider the age of the offender, the nature and degree of his offence, and particularly the necessity of a public example. If the law does not expressly say that such a crime shall be punished with death, what judge shall think himself authorised to pronounce that sentence? If the law be silent, and, nevertheless, a punishment be required, the judge ought certainly, without hesitation, to decree the least severe, because he is a man.

Sacrilegious profanations are never committed except by young debauchees. Would you punish them as severely as if they had murdered a brother? Their youth pleads in their favour. They are not suffered to dispose of their possessions, because they are supposed to want maturity of judgment sufficient to foresee the consequences of an imprudent transaction: is it not therefore natural to suppose that they are incapable of foreseeing the consequences of their impiety?

Would you treat a wild young man who, in his phrenzy, had profaned a sacred image, without stealing it, with the same rigour that you punished a Brinvilliers, who poisoned his father and his whole family?

There

There is no law against the unhappy youth, and you are determined to make one that shall condemn him to the severest punishment. He deserved chastisement ; but did he deserve such excruciating torture, and the most horrible death ?

But he had offended God !—True, most grievously. Imitate God in your proceedings against him. If he be penitent, God forgives him. Impose a penance, and let him be pardoned.

A calvinist teacher who, in certain provinces, preaches to his flock, if he be detected, is punished with death ; and those who have given him a supper or a bed are sent to the galleys for life.

In other countries, if a jesuit be caught preaching, he is hanged. Is it to avenge God that this calvinist and this jesuit are put to death ? Have both parties built upon the following evangelical law—“ If he neglect to hear the church, let him be unto thee as an heathen man and a publican ?” But the evangelist does not order that this heathen and this publican should be hanged.

Or have they built on this passage in Deuteronomy. “ If among you a prophet arise, and that which he hath said come to pass, and he saith unto you, Let us follow strange gods ; and if thy brother, or thy son, or thy wife, or the friend of thy heart, say unto thee, Come, let us follow strange gods ; let them be straightways killed : strike thou first, and all the people after thee ?” But neither this jesuit nor the calvinist said unto you, Come, let us follow strange gods.

The counsellor Debourg, the monk Jehan Chauvin, named Calvin, the Spanish physician Servetus, the Calabrian Gentilis, all worshipped the same God ; and yet the president Minard caused counsellor Dubourg to be burnt, and Dubourg's friends
caused

caused president Minard to be assassinated; Jehan Calvin caused the physician Servetus to be roasted; and had likewise the consolation to be a principal means of bringing the Calabrian Gentilis to the block; and the successors of Jehan Calvin burnt Anthony. Was it reason, or piety, or justice, that committed these murders?

This history of Anthony is one of the most singular which the annals of phrenzy hath preserved.

He was born at Brieu in Lorraine, of catholic parents, and he was educated by the jesuits at Pont-à-Mousson. The preacher Feri engaged him in the protestant religion at Metz. Having returned to Nancy, he was prosecuted as a heretic, and, had he not been saved by a friend, would certainly have been hanged. He fled for refuge to Sedan, where, being taken for a papist, he narrowly escaped assassination.

Seeing by what strange fatality his life was not in safety either among papists or protestants, he went to Venice, and turned Jew. He was positively persuaded, even to the last moments of his life, that the religion of the jews was the only true religion; for that if it was once true, it must always be so. The Jews did not circumcise him, for fear of offending the state; but he was no less internally a jew. He now went to Geneva, where, concealing his faith, he became a preacher, was president to the college, and finally what is called a minister.

The perpetual combat in his breast between the religion of Calvin, which he was obliged to preach, and that of Moses, which was the only religion he believed, produced a long illness. He became melancholy, and at last quite mad, crying aloud that he was a jew. The ministers of the gospel came to visit him, and endeavoured to bring him to himself;

self; but he answered, "That he adored none but the God of Israel; that it was impossible for God to change; that God could never have given a law, and inscribed it with his own hand, with an intention that it should be abolished." He spoke against christianity, and afterwards retracted all he had said, and even wrote his confession of faith, to escape punishment; but the unhappy persuasion of his heart would not permit him to sign it. The council of the city assembled the clergy, to consult what was to be done with the unfortunate Anthony. The minority of these clergy were of opinion that they should have compassion on him, and rather endeavour to cure his disease than punish him; The majority determined that he should be burnt; and he was burnt. This transaction is of the year 1632.

The tragical end of Simon Morin is not less horrible than that of poor Anthony. It was amidst the feasting, pleasures, and gallantry, of a brilliant court—it was even in the times of the greatest licentiousness, that this unfortunate madman was burnt at Paris, in the year 1663. Imagining that he had seen visions, he carried his folly so far as to believe that he was sent from God, and that he was incorporated with Jesus Christ.

The parliament very wisely condemned him to be confined in a mad-house. What was very remarkable, there happened to be confined in the same mad-house another fool, who called himself God the Father. Simon Morin was so struck with the folly of his companion, that he acknowledged his own, and appeared for a time to have recovered his senses. He declared his repentance, and, unfortunately for himself, obtained his liberty.

Sometime after, he relapsed into his former nonsense,

sense, and began to dogmatize. His unhappy destiny brought him acquainted with St. Sorlin Desmarets, who for some months was his friend, but who afterwards, from jealousy, became his most cruel persecutor.

This Desmarets was no less a visionary than Morin. His first follies, indeed, were innocent. He printed the tragi-comedies of Erigone and Mirame, with a translation of the Psalms; the romance of Ariane and the poem of Clovis, with the office of the holy virgin turned into verse. He likewise published dithyrambic poems, enriched with invectives against Homer and Virgil. From this kind of follies he proceeded to others of a more serious nature. He attacked Port Royal, and, after confessing that he had perverted some women to atheism, he commenced prophet. He pretended that God had given him, with his own hand, the key to the treasure of the Apocalypse; that with this key he would reform the whole world, and that he should command an army of an hundred and forty thousand men against the jansenists.

Nothing could have been more reasonable and more just than to have confined him in the same place with Simon Morin; but can it be believed that he found credit with the jesuit Annat, the king's confessor? whom he persuaded that this poor Simon Morin would establish a sect almost as dangerous as the jansenists themselves. In short, carrying his infamy so far as to turn informer, he obtained an order to seize the person of his rival. Shall I tell it?—Simon Morin was condemned to be burnt alive!

In conducting him to the stake, there was found in one of his stockings a paper, in which he begged forgiveness of God for all his errors. This ought
to

to have saved him ; but no—the sentence was confirmed, and he was executed, without mercy. *Fel-taire.*

No christian emperor before the tyrant Maximus ever thought of condemning a man to punishment merely for points of controversy. It is true, indeed, that two Spanish bishops pursued to death the Priscilianists under Maximus ; but it is also true that this tyrant was willing to gratify the reigning party with the blood of heretics. Barbarity and justice were to him indifferent. Jealous of Theodosius, a Spaniard like himself, he endeavoured to deprive him of the empire of the east, as he had already obtained that of the west. Theodosius was hated for his cruelties ; but he had found the means of gaining to his party the heads of the church. Maximus was willing to display the same zeal, and to attach the Spanish bishops to his faction. He flattered both the old and the new religion ; he was as treacherous as inhuman, as indeed were all those who at that time either pretended to or obtained empire. That vast part of the world was then governed like Algiers at present. Emperors were created and dethroned by the military power, and were often chose from among nations that were reputed barbarous. Theodosius opposed to his competitor other barbarians from Scythia. He filled the army with Goths, and surprised Alaric, the conqueror of Rome. In this horrible confusion, each endeavoured to strengthen his party by every means in his power.

Maximus having caused the Emperor Gratian, the colleague of Theodosius, to be assassinated at Lyons, meditated the destruction of Valentinian the Second, who, during his infancy, had been named successor to Gratian. He assembled at Treves a powerful

powerful army, composed of Gauls and Germans. He caused troops to be levied in Spain; when two Spanish bishops, Idacio and Ithacus, or Itacius, both men of credit, came and demanded of him the blood of Priscilian and all his adherents, who were of opinion that souls were emanations from God, that the Trinity did not contain three hypostases, and, moreover, they carried their sacrilege so far as to fast on Sundays. Maximus, half pagan, half christian, soon perceived the enormity of these crimes. The holy bishops, Idacio and Itacius, obtained leave to torture Priscilian and his accomplices before they were put to death. They were both present, that things might be done according to order; and they returned blessing God, and numbering Maximus, the defender of the faith, among the saints. But Maximus, being afterwards defeated by Theodosius, and assassinated at the feet of his conqueror, had not the good fortune to be canonized.

It is proper to observe, that Saint Martin, Bishop of Tours, who was really a good man, solicited the pardon of Priscilian; but being himself accused of heresy by the bishops, he returned to Tours for fear of the torture at Treves.

As to Priscilian, he had the consolation, after he was hanged, of being honoured by his sect as a martyr. His feast was celebrated, and would be celebrated still, if there were any Priscilianists remaining.

This example made the entire church tremble; but it was soon after imitated and surpassed. Priscilianists had been put to death by the sword, the halter, and by lapidation. A young lady of quality, suspected to have fasted on a Sunday, was, at Bourdeaux, *only* stoned to death. These punish-

ments appeared too mild; it was proved that God required that heretics should be roasted alive. The peremptory argument in support of this opinion was, that God punishes them in that manner in the next world, and that every prince, or his representative, even down to a petty constable, is the image of God in this sublunary world.

On this principle it was, that, all over Europe, they burnt witches and sorcerers, who were manifestly under the empire of the devil, and also heterodox christians, who were deemed still more criminal and dangerous.

It is not certainly known what was the crime of those priests who were burnt at Orleans, in the presence of King Robert and his wife Constantia, in the year 1022: how, indeed, should it be known, there being at that time but a small number of clerks and monks that could write? All we certainly know is, that Robert and his wife feasted their eyes with this abominable spectacle. One of the sectaries had been confessor to her majesty, who thought she could not better repair the misfortune of having confessed to a heretic than by seeing him devoured by the flames. *Voltaire.*

RACK. See TORTURE.

RAPE.

By the law of Egypt, rapes were punished by cutting off the offending parts. The Athenian laws compelled the ravisher of a virgin to marry her. It was long before this offence was punished capitally by the Roman law; but at length the Lex Julia inflicted the pains of death on the ravisher. The Jewish law also punished this crime with death; but

but if a virgin was deflowered without force, the offender was obliged to pay a fine and marry the woman.

By the 18th of Elizabeth, cap. 7, this offence was made felony without benefit of clergy.

It is certainly of a very heinous nature, and, if tolerated, would be subversive of all order and morality; yet it may still be questioned how far it is either useful or politic to punish it with death; and is worth considering, whether, well knowing that it originates in the irregular and inordinate gratification of unruly appetite, the injury to society may not be repaired without destroying the offender.

In most cases, this injury might be repaired by compelling, where it could be done with propriety, the criminal to marry the injured party; and it would be well for society if the same rule extended not only to all forcible violations of chastity, but even to instances of premeditated and systematic seduction.

In cases, however, where marriage could not take place, on account of legal disability or refusal on the part of the woman, the criminal ought to be severely punished, by pecuniary damages to the party injured, and by hard labour and confinement, or transportation for life. *Calquebana.*

RECEIVERS OF STOLEN COMMERCIAL PROPERTY.

This mischievous class of men were heretofore extremely numerous, and divided into various classes. Those denominated *Copemen* formed the junta of wholesale dealers, who were accustomed to visit ships on their arrival, for the purpose of

entering into contract with such revenue officers or mates as they had formerly known or dealt with, and such others as they could, by means of friendly officers, seduce to their views.

Their negotiations were carried on in a language and in terms peculiar to themselves; and commenced by settling the price of

<i>Sand</i> , by which, in their cant language,			
was meant	—	—	— Sugar.
<i>Beans</i>	—	— or —	— Coffee.
<i>Peas</i>	—	—	Pimento or Pepper.
<i>Vinegar</i>	—	—	Rum and other Liquors.
<i>Malt</i>	—	—	— Tea.

It was their custom to afford assistance wherever such articles were to be procured, by providing *black straps*, i.e. a number of bags dyed black, to contain sugar, and calculated to stow easily in the bottom of boats, without being discovered, on account of the colour. They also procured bladders with wooden nozles, for the purpose of containing rum, brandy, geneva, and other liquors, and furnished boats to convey the plunder from the ships during the night.

Some of these receivers had acquired considerable sums of money by their nefarious traffic, and were able to tempt and seduce those who would permit them to plunder the cargo, by administering to their wants by considerable advances of money, which, however, rarely amounted to a moiety of the value of the goods obtained, and frequently not one fourth part, particularly in the article of coffee.

Other classes of receivers purchased from the lumpers, coopers, &c. after the property was landed

ed; and being generally engaged in business, as small grocers or keepers of chandlers' shops and old iron and junk warehouses, they were accustomed to protect it in its transit, from one criminal dealer to another, by means of false bills of parcels.

It would fill a volume to recount the various ramifications of this nefarious traffic, and the devices used to defeat justice and elude the punishment of the law. *Ibid.*

RECEIVERS OF STOLEN GOODS.

One great hindrance to comfort in a life of agriculture, and which drives liberal-minded men, who are always the best friends to improvement, out of the profession, is the want of laws to put a total stop to the receivers of stolen goods. These are the wretches who encourage servants in agriculture, and others, to pilfer, by holding out the lure of buying every article which such servants can bring, without asking them any questions. Most things which are usually produced on a farm, from so small an article as an egg, to hay, straw, and grain, of all sorts, are daily stolen,* and sold on the sides of every principal road in this county. Among the receivers are to be reckoned millers, corn-chandlers, dealers in eggs, butter, and poultry, and the keepers of chandlers' shops. The

* These thefts are committed by degrees, in a small way, seldom exceeding a truss of hay or a bushel of corn by one man at one time, and are generally of smaller articles. In some places, the stealing of gate-hooks and iron fastenings is so common, as to compel the farmer both to hang and fasten his gates with wood.

The drivers of gentlemen's carriages are intrusted to buy hay, straw, and corn, for their horses; in the doing which, they generally cheat their masters of 5s. in each load of hay, of 2s.6d. in each load of straw, and 1s. in every quarter of corn. This gives them an interest in the consumption, makes them extremely wasteful, and brings on habits of dishonesty.

The ostlers at the inns on the sides of the roads purchase stolen hay, straw, corn, eggs, and poultry. A person who kept a horse several weeks at one of these inns, in attending occasionally to see the animal, discovered him to be fed with wheat, barley, and oats, mixed together, which could only happen by the farmers' servants robbing their masters, and selling the corn to the ostler.

The fields near London are never free from men strolling about in pilfering pursuits by day, and committing greater crimes by night. The depredations every Sunday are astonishingly great. There are not many gardens within five miles of London that escape being visited in a marauding way, very early on a Sunday morning; and the farmers' fields are plundered all day long of fruit, roots, cabbages, pulse, and corn. Even the ears of wheat are cut from the sheaves, and carried away in the most daring manner in open day, in various ways, but mostly in bags containing about half a bushel each. It has been moderately estimated that twenty thousand bushels of all the various sorts are thus carried off every Sunday morning, and ten thousand more during the other six days of the week; or one million and a half of bushels in a year: which, if valued at so small a sum as sixpence each, would amount to 37,500l.

The occupiers of many thousand acres round London

London lose annually in this manner to the amount of much more than 20s. an acre.

A miller near London being questioned as to small parcels of wheat brought to his mill to be ground by a suspected person, soon after several barns had been robbed, answered, that any explanation on that head would put his mills in danger of being burnt. Well may the farmers say, "their property is not protected like that of other men."

Middleton.

One of the chief nurseries of crimes is to be traced to the receivers of stolen property.

Without that easy encouragement which these receivers hold out, by administering immediately to the wants of criminals, and concealing what they purloin, a thief, a robber, or a burglar, could not, in fact, carry on his trade.

And yet, conclusive and obvious as this remark must be, it is a sorrowful truth, that in the metropolis alone there are at present supposed to be upwards of three thousand receivers of various kinds of stolen goods, and an equal proportion all over the country; who keep open shop for the purpose of purchasing at an under price, often for a mere trifle, every kind of property brought to them, from a nail or a glass bottle, up to the most valuable article, either new or old; and this without asking a single question.

It is supposed that the property purloined and pilfered, in a little way, from almost every family, and from every house, stable, shop, warehouse, workshop, foundery, and other repository, in and about the metropolis, may amount to about seven hundred thousand pounds in one year, exclusive of depredations on ships in the river Thames, which, before the establishment of the marine police system,

tem, in June, 1793, were estimated at half a million more, including the stores and materials !—When to this is also added the pillage of his majesty's stores, in ships of war, dock-yards, and other public repositories, the aggregate will be found, in point of extent, almost to exceed credibility.

It is a melancholy reflection to consider how many individuals, young and old, who are not of the class or description of common or even reputed thieves, are implicated in this system of depredation; who would probably have remained honest and industrious, had it not been for the easy mode of raising money which these numerous receivers of stolen goods hold out in every bye-street and lane in the metropolis. In their houses, although a beggarly appearance of old iron, old rags, or second-hand clothes, is only exhibited, the back apartments are often filled with the most valuable articles of ship stores, copper bolts and nails, brass and other valuable metals, West India produce, household goods and wearing apparel; purchased from artificers, labourers in the docks, lumpers and others, employed on the river Thames, menial servants, apprentices, journeymen, porters, chimney-sweepers, itinerant jews, and others; who, thus encouraged and protected, go on with impunity, and without the least dread of detection, from the easiness of access which their various employments give them, plundering every article not likely to be missed, in the houses or stables of men of property, or in the shops, warehouses, founderies, or workshops, of manufacturers; or from new buildings, from ships in the river, nay, even from his majesty's stores, and other repositories; so that in some instances the same articles are said to be sold to the public boards three or four times over.

Thus

Thus the moral principle is totally destroyed among a vast body of the lower ranks of the people ; for wherever prodigality, dissipation, or gaming, whether in the lottery or otherwise, occasions a want of money, every opportunity is sought to purloin public or private property : recourse is then had to all those tricks and devices by which even children are enticed to steal before they know that it is a crime, and to raise money at the pawnbrokers or the old iron or rag shops, to supply the unlawful desires of profligate parents.

Hence, also, servants, apprentices, journeymen, and, in short, all classes of labourers and domestics, are led astray by the temptations to spend money which occur in this metropolis ; and by the facility afforded through the numerous receivers of stolen goods, who administer to their pecuniary wants, on every occasion, when they can furnish them with any article of their ill gotten plunder.

The necessity of adopting some effectual regulations respecting the numerous class of dealers in old metal, stores, and wearing apparel, is too obvious to require illustration ; and the progressive accumulation of these pests of society is proved by their having increased from about three hundred to three thousand in the course of the last twenty years, in the metropolis alone.

Similar regulations should also be extended to all the more latent receivers, who do not keep open shop, but secretly support the professed robbers and burglars, by purchasing their plunder the moment it is acquired ; of which latter class there are some who are said to be extremely opulent. *Colquhoun.*

It frequently happens that the burglars, the highwaymen, and footpad robbers, make their contracts

contracts with the receivers on the evening before the plunder is obtained; so as to secure a ready admittance immediately afterwards, and before day-break, for the purpose of effectual concealment, by melting plate, obliterating marks, and securing all other articles, so as to place them out of the reach of discovery. This has long been reduced to a regular system, which is understood and followed as a trade.

Nor do those thieves who steal horses, cattle, and sheep, experience more difficulty in finding purchasers immediately for whatever they can obtain; they, too, generally, make a previous bargain with the receivers, who are ready at an appointed hour to conceal the animals, to kill them immediately, and to destroy the skins, for the purpose of eluding detection.

It sometimes happens, also, that the persons who perpetrate these robberies are journeymen butchers by trade; who kill whatever they steal, and often afterwards sell their plunder in the public markets.

If, by wise regulations, it were possible to embarrass and disturb the extensive trade carried on by all the concealed receivers, who are the particular class having connection with the professed thieves, a very great check would be given to public depredations. *Ibid.*

By the statute of the 3d and 4th of William and Mary, cap. 9, it is enacted, "that receivers of stolen goods, knowing them to be stolen, shall be deemed accessories after the fact."

But this offence being dependent on the fate of the principal, a receiver thus circumstanced could not be tried till after the conviction of such principal; so that, however strong and conclusive the evidence might be, the receiver was still safe, unless the

the thief could be apprehended ; and even if apprehended and put upon his trial, if acquitted through any defect of evidence, the receiver, although he had actually confessed the crime, and the goods found in his possession could be proved to have been stolen, must be acquitted ; this offence, also, even if completely proved, applied only to capital felonies, and not to petty larceny.

These defects were discovered, and partly remedied by the statutes 1 Anne, cap. 9, and 5 Anne, cap. 31, which enact, " That buyers and receivers of stolen goods, knowing them to be stolen, may be prosecuted for a misdemeanor, and punished by fine and imprisonment, though the principal be not previously convicted of felony."

This act, 5 Anne, c. 31, also greatly improved the laws applicable to this species of offence, by empowering the court to substitute a corporal punishment instead of fine and imprisonment ; and by declaring, that if the felony shall be proved against the thief, then the receiver shall be taken as accessory, and shall receive judgment of death ; but the benefit of clergy is reserved.

The laws being still found insufficient, the statute of the 4th of George the First, cap. 11, enacted, " That receivers of stolen goods, knowing them to be stolen, should, on conviction, be transported for fourteen years ; and that buying at an under-value should be presumptive evidence of such knowledge ;" and the same statute makes it felony, according to the nature of the felony committed in stealing the goods, " for any person, directly or indirectly, to take a reward for helping any person to stolen goods ; unless such person bring the felon to his trial, and give evidence against him.

But these amendments also proving ineffectual,
and

and not being found to apply immediately to persons receiving stolen lead, iron, copper, brass, bell-metal, or solder, taken from buildings, or from ships, vessels, wharfs, or quays, it was enacted by the 29th of George the Second, cap. 30, "That every person who shall buy or receive such articles, knowing the same to be stolen, or who shall privately purchase these respective metals, by suffering any door, window, or shutter, to be left open between sun-setting and sun-rising, or shall buy or receive any of the said metals in any clandestine manner, shall, on conviction, be transported for fourteen years, although the principal felon has not been convicted," Sec. 1.

The same act empowers one justice to grant a warrant to search in the day time for such metals suspected to be stolen, as by the oath of one witness may appear to be deposited or concealed in any house or place; and if goods are found, the act goes so far as to empower two justices to adjudge the person having custody of the same guilty of a misdemeanor, if he cannot produce the party from whom he purchased, or give a satisfactory account how they came into his possession; and the offender shall, for the first offence forfeit 40s.; for the second, 4l.; and for every subsequent offence, 6l. Sect. 2. 6.

This act also empowers officers of justice, and watchmen while on duty, to apprehend all persons suspected of conveying any stolen metals, as already described, after sun-set or before sun-rise; and if such persons cannot give a good account of the manner in which they were obtained, two magistrates are in like manner authorized to adjudge them guilty of a misdemeanor, and they forfeit 40s. &c. Sect. 3. 6.

The

The persons also to whom such articles are offered for sale or to be pawned, where there is reasonable ground to suppose they were stolen, are empowered to apprehend and secure the parties and the materials, to be dealt with according to law. And if it shall appear, even on the evidence of the thief, corroborated by other testimony, that there was cause to suspect the goods were stolen, and that the person to whom they were offered did not do his duty, in apprehending the person offering the same, he shall be adjudged guilty of a misdemeanor, and forfeit twenty shillings for the first offence, forty shillings for the second, and four pounds for every subsequent offence. Sect. 5, 6. And so anxious has the legislature been to suppress the evil of stealing and receiving metals, that the 8th section entitles the actual thief to a pardon, on the discovery and conviction of two or more of the receivers. And the 9th section screens from prosecution any person stealing such metals, who shall discover the receiver to whom the same were delivered, so as a conviction may follow. In spite, however, of these numerous and apparently effectual checks, it is to be lamented that the evil has continued to increase.

In the following year it was provided by the act 30th of George the Second, cap. 24, "that it shall be lawful for any pawnbroker, or any other dealer, their servants or agents, to whom any goods shall be offered to be pawned, exchanged, or sold, which shall be suspected to be stolen, to seize and detain the persons offering the same, for the purpose of being examined by a justice; who is empowered, if he sees any ground to apprehend that the goods have been illegally obtained, to commit the persons offering the same to prison for a period not exceed-

ing six days; and if, on further examination, the justice shall be satisfied that the goods were stolen, he shall commit the offender to prison, to be dealt with according to law; and although it may, under such circumstances, afterwards appear that the goods in question were fairly obtained, yet the parties who seized the supposed offender shall be indemnified. Sect. 7, 8.

The next statute applicable to the receivers of stolen goods is the 10th George III, cap. 48, by which it is enacted, "that every person who shall buy or receive any jewels, gold, silver, plate, or watches, knowing the same to be stolen, where such stealing was accompanied by a burglary or highway robbery, may be tried as well before as after the principal felon is convicted, and whether he be in or out of custody; and if found guilty, shall be transported for fourteen years.

Eleven years after passing of the above-mentioned statute, the legislature, appearing to be impressed with the great extent of the depredations committed by persons stealing pewter pots, and desirous to punish the receivers, the statute of the 21st of George the Third, cap. 69, enacts, "that every person who shall buy or receive any pewter pot or other vessel, or any pewter in any form or shape whatsoever, knowing the same to be stolen, or who shall privately buy or receive stolen pewter in a clandestine manner, between sun-setting and sun-rising, shall, on conviction, be transported for seven years, or detained in the house of correction, at hard labour, for a term not exceeding three years, nor less than one; and may be whipped, not more than three times; although the principal felon has not been convicted."

In the following session of parliament, the statute

statute 22 George III, c. 58, said to have been framed by an able and experienced lawyer and magistrate,* removed many of the imperfections of former statutes, and particularly that which respected petty larceny, by enacting, "that where any goods, except lead, iron, copper, brass, bell-metal, or solder, the receivers of which are punishable under the 29th George II, c. 30, noticed before) have been stolen, whether the offence amount to grand larceny, or some greater offence, or to petty larceny only; (except where the offender has been convicted of grand larceny or some greater offence; when the receiver must be prosecuted as an accessory, and under the 4th George I, c. 11, may be transported for fourteen years. Every person who shall buy or receive the same, knowing them to be stolen, shall be guilty of a misdemeanor, and punished by fine, imprisonment, or whipping, as the quarter sessions, who are empowered to try offenders, or any other court before whom they shall be tried, shall think fit, although the principal be not convicted; and if the felony amounts to grand larceny, or some greater offence, and the person committing such felony has not been before convicted, such offender shall be exempted from being punished as accessory, if the principal shall be afterwards convicted." Sect. 1.

This act also empowers "one justice to grant a warrant to search for stolen goods in the day-time, on oath being made that there are just grounds of suspicion; and the person concealing the said goods, or in whose custody they are found, shall, in like manner,

* Mr. Serjeant Adair, then recorder of London.

manner, be guilty of a misdemeanor, and punished in the manner before-mentioned." Sect. 2.

The same act extended the powers granted by former acts relative to metals, to any other kind of goods; by authorizing peace officers, and also watchmen while on duty, to apprehend all persons suspected of carrying stolen goods, after sun-setting and before sun-rising, who shall, on conviction, be adjudged guilty of a misdemeanor, and imprisoned, not exceeding six nor less than three months. Sect. 3.

Power is also given by this act to any person to whom goods suspected to be stolen shall be offered to be sold or pawned to apprehend the person offering the same, and to carry him before a justice. Sect. 4.

And as an encouragement to young thieves to discover the receivers, the same act provides, "That if any person or persons, being out of custody or in custody, if under the age of fifteen years, upon any charge of felony within benefit of clergy, shall have committed any felony, and shall discover two receivers, so as that they shall be convicted, such discoverer shall have pardon for all felonies by him committed before such discovery."

These various acts of parliament prove how very prominent the evil of receiving stolen goods has been in the view of the legislature. It is to be lamented, however, that a more general and comprehensive view has not been taken of the subject, by substituting, instead of the piece-meal system which has been from time to time adopted, on suggestions applicable only to particular cases, one general law, that should have embraced every object, and remedied every defect in the existing statutes on this important subject of criminal jurisprudence. *Ibid.* In

In many cases of importance, to the reproach of the police, recourse is had to noted and known receivers of stolen goods for their assistance in discovering such offenders, and of pointing out the means by which the property may be recovered. This has on many occasions been productive of success to the parties who have been robbed, as well as to the ends of public justice; for however lamentable it is to think that magistrates are compelled to have recourse to such expedients, yet while the present system continues, and while robberies and burglaries are so frequent, without the means of prevention, there is no alternative, on many occasions, "but to employ a thief to catch a thief."

Ibid.

REWARDS.

Let us now enquire whether it be advantageous to society to set a price on the head of a criminal, and so to make of every citizen an executioner. If the offender hath taken refuge in another state, the sovereign encourages his subjects to commit a crime, and to expose themselves to a just punishment; he insults that nation, and authorizes the subjects to commit on their neighbours similar usurpations. If the criminal still remain in his own country, to set a price upon his head is the strongest proof of the weakness of the government. He who has strength to defend himself will not purchase the assistance of another. Besides, such an edict confounds all the ideas of virtue and morality, already too wavering in the mind of man. At one time, treachery is punished by the laws; at another, encouraged. With one hand, the legislator strengthens the ties of kindred and friendship; and with the other, rewards the violation of both. Always in contradiction

with himself, now he invites the suspecting minds of men to mutual confidence, and now he plants distrust in every heart. To prevent one crime, he gives birth to a thousand. Such are the expedients of weak nations, whose laws are like temporary repairs to a tottering fabric. On the contrary, as a nation becomes more enlightened, honesty and mutual confidence become more necessary, and are daily tending to unite with sound policy. Artifice, cabal, and obscure and indirect actions, are more easily discovered, and the interest of the whole is better secured against the passions of the individual.

Even the times of ignorance, when private virtue was encouraged by public morality, may afford instruction and example to more enlightened ages. But laws which reward treason excite clandestine war and mutual distrust, and oppose that necessary union of morality and policy which is the foundation of happiness and universal peace. *Beccaria.*

It might be expedient that the stipend of the petty constables should be very moderate, and that their remunerations should, partly at least, arise from premiums and gratuities, granted by the judges and magistrates, for meritorious services to the public, actually performed; for which there would so many opportunities occur, that no fit man, acting as a constable under such a system, and doing his duty conscientiously, need be under any apprehension of obtaining a very comfortable livelihood.

The invariable rule of rewarding, in every case where it can be made appear that any useful public service has been performed, would have a most wonderful effect in preventing crimes. The expence, if judiciously and economically managed, need

need not exceed, in any material degree, the present aggregate of what is disbursed in different ways, in all the branches of the police and criminal establishment; it might, in fact, be defrayed, as well as every other charge, by the police itself, under the direction of the central board, from the produce of the licences proposed to be granted for regulating particular classes of dealers, by whose aid and assistance, in supporting thieves and pilferers, such a system is rendered necessary. *Colquhoun.*

If small rewards were given in cases of grand larceny, now very numerous, as well as of several other felonies, frauds, and misdemeanors, a species of activity would enter into the system of detection which has not heretofore been experienced.

While rewards are limited to higher offences, and conviction is the indispensable condition upon which they are granted, it is much to be feared that lesser crimes are overlooked, and the public subjected, in many instances, to the intermediate depredations of a rogue, from his first starting upon the town until he shall be worth 40*l.*

This system of giving high rewards only on conviction also tends to weaken evidence; since it is obvious that the counsel for all prisoners whose offences entitle the prosecutor and officers to a reward, generally endeavour to impress upon the minds of the jury an idea, that witnesses who have a pecuniary interest in the conviction of any offender standing upon trial are not, on all occasions, deserving of full credit, unless strongly corroborated by other evidence; and thus many notorious offenders often escape justice. *Ibid.*

It had been usual, for many years previous to 1752, when robberies were committed, to make a com-

composition of the felony, by advertising a reward to any person who would bring the property stolen, to be paid without asking any questions; but the pernicious consequences of recovering goods in this way, from the encouragement such advertisements held out to thieves and robbers of every description, became so glaring and obvious, that an act passed the 25th year of George II, cap. 36, inflicting a penalty of 50*l.* on any person, including the printer and publisher, who shall publicly advertise a reward for the return of stolen goods, with "no questions asked," without seizing the person producing the goods stolen; or who shall offer to return to any pawnbroker or other person the money lent thereon, or any other reward for the return of the articles stolen. *Ibid.*

RIOTERS.

All rioters, or those who assist in riots, are accounted felons. As our preceding volumes abound with examples, we shall here add only one.

STRUTT, JOSEPH, (RIOTER,) a singular character, long known in London for his depredations on the public, was born in the year 1764, in St. Giles's, of poor, but honest and industrious, parents, who gave him the best education their small means could afford; but the narrowness of their fortune could not set bounds to the genius of their son, who, aspiring above the humble sphere of his birth, without the necessary supply of money, formed at an early period of his life a connection that ended in his ruin.

Before he was fourteen years of age, he was a member of the famous Golden-Lane gang; it was also about this time he got connected with the celebrated

brated barrow-girl, commonly called *Saucy Nan*, with whom he lived for upwards of seven years, when a dispute arose concerning a child of which she was delivered, and of which she asserted Joe was the father; but he, having just cause for jealousy, rejected it with disdain, and swore he would be it's death. Whether he fulfilled his oath, cannot be here ascertained; but the infant disappeared in a few days, and Joe and Nan parted in consequence.

Since that period, he practised a number of ingenious devices on the public, and always with success. He used to boast himself the cleanest pick-pocket in town, and would frequently from the fruits of one night's performance procure sufficient to maintain himself genteelly for six months or more; by which economy he was less exposed to detection than the generality of the light-fingered tribe, till the unlucky chance of his getting into a mob at Charing-Cross, collected to be revenged on a set of miscreants called *crimps*, who occupied a house for the infamous purpose of ensnaring young men, when Joseph was taken up as ringleader of the riot, committed to Newgate, tried and condemned.

It should not be omitted, that just before his apprehension, he married a deserving young woman, on whom he imposed himself as a merchant's clerk, and whom he left with child, to deplore her wretched mistake and his miserable and shameful end.

The following is a copy of a letter he sent her from the cells of Newgate:

“DEAR

"DEAR BETSEY,

"Pierced to the heart with the deepest remorse and sorrow, for having deluded your innocent heart, I dare not ask your forgiveness—yet I cannot die without it. Is it possible, my dearest Betsey, that you can grant it?

"I know great is the injury I have done you, accumulated misery and shame have I brought upon you, and no means of atonement for me to make; but while I have life my fervent prayer shall be for your future happiness! And, O my dear! could I believe you would forgive me and pray for me, I should die happy, for the prayer of the righteous prevaileth much.

"Your unhappy husband,

"Till death,

"*Newgate, Jan. 23.*

"JOS. STRUTT."

He suffered January 29, 1795, with Patrick Murphy, who had been convicted of a rape, and Francis Ross, of forgery.

ROBBERY.

If a person be put in fear or assaulted, and then plundered, this the law terms robbery, and punishes with death.

ROGUES AND VAGABONDS,

Punishable by six months' imprisonment.

1. Persons going about as patent gatherers or gatherers of alms, under pretence of loss by fire or other casualty.

2. Fencers, bearwards, strolling players of interludes, or other entertainments.

3. Min-

3. Minstrels, except those licensed by the Lord Dutton in Cheshire.
4. Persons pretending to be, and wandering in the habit of, gypsies.
5. Fortune-tellers, pretending skill in physiognomy, palmistry, &c. or using any subtle craft to deceive and impose on others.
6. Persons playing or betting at any unlawful games or plays.
7. Persons who run away, and leave their wives and children upon the parish.
8. Petty chapmen and pedlars wandering abroad without a licence.
9. Persons wandering abroad, and lodging in ale-houses, out-houses, or the open air, and not giving a good account of themselves.
10. Persons wandering abroad, and pretending to be soldiers or sailors, without proper certificates from their officers or testimonials from magistrates.
11. Persons wandering abroad, pretending to go to work in harvest, without a proper certificate from the parish.
12. Persons having implements of house-breaking or offensive weapons, with a felonious intent.
13. Persons concerned in illegal lottery transactions, as described in the lottery acts, 27th, 33d, 34th, and 35th Geo. III. *Cokubons.*

ROGUES, INCORRIGIBLE,

Punishable with two years' imprisonment and whipping, or transportation for seven years.

1. Persons styled and-gatherers, buying, collecting, or receiving, ends of yarn in the woollen branch, against the stat. 13 Geo. I, cap. 23.
2. Persons who, being rogues and vagabonds, have

have escaped after being apprehended, or who shall refuse to be examined by a magistrate, or who shall give a false account of themselves; after being warned of their punishment.

3. Persons who shall escape out of any house of correction before the period of their imprisonment expires.

4. Persons who, being once punished as rogues and vagabonds, shall again commit the same offence. *Ibid.*

SCUFFLE-HUNTERS,

So denominated, probably, from their resorting in numbers to the quays and wharfs where goods are discharging, under pretence of finding employment as labourers upon the landing-places and in the warehouses, and from the circumstance of *disputes* and *scuffles* arising about who should secure most plunder from broken packages. This class of men, who may fairly be considered as the very scum of society, frequently prowl about with long aprons; not so much with a view to obtain employment, as for the purpose of availing themselves of the confusion which the crowded state of the quays often exhibits, and the opportunity of obtaining plunder; in which object they have too frequently been successful, particularly when admitted into the warehouses as labourers, where they have found means to pilfer and carry away considerable quantities of sugar and other articles, in which they were not a little countenanced by similar offences committed by journeymen coopers and others, who, under the colour of sanctioned perquisites, abstract considerable quantities of sugar, thereby subjecting the proprietors to an accumulated loss; for, in addition to
the

the first cost, or price, of the article, the duties which have been paid form no inconsiderable part of the ultimate value. It is only necessary to resort to the Journals of the House of Commons and the Appendix to the Report of the Dock Committee in 1796, in order to be satisfied that the plunder in the warehouses has been excessive. And if credit is to be given to the evidence then brought forward, and also to the affidavits of persons who have worked for many years in the sugar warehouses, the loss sustained on an importation of one hundred and forty thousand casks of sugar has not fallen much short of 100,000l. a year. *Ibid.*

SELF-DEFENCE, HOMICIDE IN.

Homicide by necessity, or in self-defence, is another shade of murder upon which no punishment is inflicted; and in this is included what the law expresses by the word chance-medley; which is properly applied to such killing as happens in self-defence, upon a sudden rencounter. Yet still, by strictness of law, the goods and chattels of the person charged and convicted are forfeited to the crown; contrary, as it seems to many, to the principles of reason and justice. *Ibid.*

SHARPERS, OR SWINDLERS.

The great qualifications, or leading and indispensable attributes, of a sharper, or swindler, are, to possess a genteel exterior, a demeanour apparently artless, and a good address.

Among the various classes of sharpers may be reckoned those who obtain licences to become pawn-brokers, and bring disgrace upon the reputable

himself is supposed to have gone in the dress of a clergyman. According to the information of a noted receiver, they pilfered to the value of 1700l. on the king's birth-day, 1795, without discovery or suspicion.

Houses are kept where female cheats dress and undress for public places. Thirty or forty of these sharpers generally attend all masquerades, in different characters, where they seldom fail to get clear off with a considerable booty. *Ibid.*

See CHEATS, &c.

SMUGGLING.

Smuggling is a real offence against the sovereign and the nation; but the punishment should not brand the offender with infamy, because this crime is not infamous in the public opinion. By inflicting infamous punishments for crimes that are not reputed so, we destroy that idea where it may be useful. If the same punishment be decreed for killing a pheasant as for killing a man, or for forgery, all difference between those crimes will shortly vanish. It is thus that moral sentiments are destroyed in the heart of man; sentiments, the work of many ages and of much bloodshed; sentiments, that are so slowly and with so much difficulty produced, and for the establishment of which such sublime motives and such an apparatus of ceremonies were thought necessary.

This crime is owing to the laws themselves; for the higher the duties, the greater is the advantage, and consequently the temptation; which temptation is increased by the facility of perpetration, when the circumference that is guarded is of great extent, and the merchandise prohibited is small in bulk.

bulk. The seizure and loss of the goods attempted to be smuggled, together with those that are found along with them, is just; but it would be better to lessen the duty, because men risk only in proportion to the advantage expected.

This crime being a theft of what belongs to the prince, and consequently to the nation, why is it not attended with infamy?—I answer, that crimes which men consider as productive of no bad consequences to themselves do not interest them sufficiently to excite their indignation. The generality of mankind, upon whom remote consequences make no impression, do not see the evil that may result from the practice of smuggling, especially if they reap from it any present advantage. They only perceive the loss sustained by the prince. They are not then interested in refusing their esteem to the smuggler, as to one who has committed a theft or a forgery, or other crimes, by which they themselves may suffer; from this evident principle, that a sensible being only interests himself in those evils with which he is acquainted.

Shall this crime, then, committed by one who has nothing to lose, go unpunished?—No. There are certain species of smuggling which so particularly affect the revenue, a part of government so essential, and managed with so much difficulty, that they deserve imprisonment, or even slavery; but yet of such a nature as to be proportioned to the crime. For example, it would be highly unjust that a smuggler of tobacco should suffer the same punishment with a robber or assassin; but it would be most conformable to the nature of the offence, that the produce of his labour should be applied to the use of the crown, which he intended to defraud. *Beccaria.*

STEALING FRUIT FROM ORCHARDS.

This offence is only punishable by the act of 43 Eliz. c. 7, by compelling the party to refund the value of the fruit stolen, or, in default, suffer the punishment of whipping; which never takes place, as the small value of the fruit detected is always paid. It is probable at that early period fruit was not a species of property of much consequence; the case is, however, different at the present time; and surely it would not be thought too severe to place this offence on the same footing as stealing cabbages, turnips, &c. *Colquhoun*.

STEALING PRIVATELY.

See FELONY, LARCENY, and PICKPOCKETS.

We shall here give an account of MARY YOUNG, familiarly called *Jenny Diver*, who suffered for this offence.

This extraordinary woman was a native of the north of Ireland, and having lost her parents while in a state of infancy, she was taken into the family of an antient gentlewoman, who had known her father and mother, and who caused her to be instructed in reading, writing, and needle-work.

When she had attained to her fifteenth year, a young man, servant to a gentleman who lived in the same neighbourhood; made pretensions of love to her; but the old lady, being apprized of his views, declared that she would not consent to their marriage, and positively forbade him to repeat his visits at her house.

Notwithstanding the great care and tenderness with which she was treated, Mary formed the resolution

lution of leaving her generous benefactress, and of directing her course towards the metropolis of England; and the only obstacle to this design was the want of money for her support till she could follow some honest means of earning a subsistence.

She had no very strong prepossession in favour of the young man who had made a declaration of love to her; but she, determining to make his passion subservient to the purpose she had conceived, promised to marry him, on condition of his taking her to London. He joyfully embraced this proposal, and immediately engaged for a passage in a vessel bound for Liverpool.

A short time before the vessel was to sail, the young man robbed his master of a gold watch and eighty guineas, and then joined the companion of his flight, who was already on board the ship, vainly imagining that his infamously acquired booty would contribute to the happiness he should enjoy with his expected bride. The ship arrived at the destined port in two days; and Mary being indisposed in consequence of her voyage, her companion hired a lodging, in the least frequented part of the town, where they lived a short time under the characters of man and wife, but avoiding all intercourse with their neighbours, the man being apprehensive that measures would be pursued for rendering him amenable to justice.

When Mary had recovered her health, they agreed for a passage in a waggon that was to set out for London in a few days. On the day preceding that fixed for their departure, they accidentally called at a public-house; and the man being observed by a messenger dispatched in pursuit of him from Ireland, he was immediately taken into custody. Mary, who, a few hours before his apprehension,

prehension, had received ten guineas from him, voluntarily accompanied him to the mayor's house, where he acknowledged himself guilty of the crime alleged against him, but without giving the least intimation that she was an accessory in his guilt. He being committed to prison, Mary sent him all his clothes and part of the money she had received from him, and the next day took her place in the waggon for London. In a short time, her companion was sent to Ireland, where he was tried and condemned to suffer death; but his sentence was changed to that of transportation.

Soon after her arrival in London, Mary contracted an acquaintance with one of her countrywomen, named Anne Murphy, by whom she was invited to partake of a lodging in Long-Acre. Here she endeavoured to obtain a livelihood by her needle; but not being able to procure sufficient employment, in a little time her situation became truly deplorable.

Murphy intimated to her that she could introduce her to a mode of life that would prove exceedingly lucrative; adding that the most profound secrecy was required. The other expressed an anxious desire of learning the means of extricating herself from the difficulties under which she laboured, and made a solemn declaration that she would never divulge what Murphy should communicate. In the evening, Murphy introduced her to a number of men and women assembled in a kind of club, near St. Giles's. These people gained their living by cutting off women's pockets, and stealing watches, &c. from men in the avenues of the theatres, and at other places of public resort; and, on the recommendation of Murphy, they admitted Mary a member of the society.

After

After her admission, they dispersed, in order to pursue their illegal occupation ; and the booty obtained that night consisted of eighty pounds in cash and a valuable gold watch. As Mary was not yet acquainted with the art of thieving, she was not admitted to an equal share of the night's produce, but it was agreed that she should have ten guineas. She now regularly applied two hours every day in qualifying herself for an expert thief, by attending to the instructions of experienced practitioners ; and in a short time she was distinguished as the most ingenious and successful adventurer of the whole gang.

A young fellow of genteel appearance, who was a member of the club, was singled out by Mary as a partner of her bed ; and they cohabited for a considerable time as husband and wife.

In a few months, she became so expert in her profession, as to acquire great consequence among her associates, who distinguished her by the appellation of *Jenny Diver*, on account of her remarkable dexterity.

Mary, accompanied by one of her female accomplices, joined the crowd at the entrance of a place of worship in the Old Jewry, where a popular divine was to preach ; and observing a young gentleman with a diamond ring on his finger, she held out her hand, which he kindly received, in order to assist her ; and at this juncture she contrived to get possession of the ring, without the knowledge of the owner : after which, she slipped behind her companion, and heard the gentleman say, that as there was no probability of gaining admittance, he would return. Upon his leaving the meeting, he missed his ring, and mentioned his loss to the persons who were near him, adding that he suspected

it to be stolen by a woman whom he had endeavoured to assist in the crowd; but as the thief was unknown, she escaped.

The above robbery was considered as such an extraordinary proof of Mary's cleverness, that her associates determined to allow her an equal share of all their booties, even though she was not present when they were obtained.

In a short time after the above exploit, she procured a pair of false hands and arms to be made; and concealing her real ones under her clothes, and putting something beneath her stays, to make herself appear as if in a state of pregnancy, she repaired on a Sunday evening to the place of worship above-mentioned, in a sedan chair, one of the gang going before, to procure a seat among the genteeler part of the congregation, and another attending in the character of a footman.

Being seated between two elderly ladies, each of whom had a gold watch by her side, she conducted herself with great seeming devotion; but when the service was nearly concluded, she seized the opportunity, while the ladies were standing up, of stealing their watches; which she delivered to an accomplice in an adjoining pew.

She practised a variety of felonies of a similar nature in different parts of the metropolis and its adjacencies; till, by the accounts in the newspapers, it was deemed impolitic to repeat them; and therefore the gang resolved to go to Bristol, in search of adventures during the fair which is held in that city every summer; but being unacquainted with the place, they unanimously consented to admit into their society a man who had long subsisted there by villainous practices.

Here, Mary Young and Anne Murphy assumed the

the characters of merchants' wives, the new member and another of the gang appeared as country traders, and Mary's favourite retained his former character of footman. They took lodgings at different inns, and agreed that if any of them should be apprehended, the others should endeavour to procure their release by appearing to their characters, and representing them as people of reputation in London. They had arrived to such a proficiency in their illegal occupation, that they were almost certain of accomplishing every scheme they suggested; and when it was inconvenient to make use of words, they were able to convey their meaning to each other by winks, nods, and other intimations.

On her return to town, she hired a real footman, and her favourite, who had long acted in that character, assumed the appearance of a gentleman. She hired lodgings in the neighbourhood of Covent-Garden, that she might more conveniently attend the theatres. She proposed to her associates to reserve a tenth part of the general produce for the support of such of the gang as might through illness be rendered incapable of following their iniquitous occupations; and to this they readily assented.

This infamous association was now become so notorious a pest to society, that they judged it prudent to leave the metropolis, where they were apprehensive they could not long remain concealed from justice. They practised a variety of stratagems with great success in different parts of the country; but, upon revisiting London, Mary was committed to Newgate, on a charge of having picked a gentleman's pocket; for which she was sentenced to transportation.

She remained in the above prison near four months,

months, during which time she employed a considerable sum in the purchase of stolen effects. When she went on board the transport vessel, she shipped a quantity of goods nearly sufficient to load a wagon. The property she possessed ensured her great respect and every possible convenience and accommodation during the voyage. On her arrival in Virginia, she disposed of her goods, and for some time lived in great splendour and elegance.

She soon found that America was a country where she could expect but little emolument from the practices she had so successfully followed in England; and therefore she employed every art that she was mistress of to ingratiate herself into the esteem of a young gentleman who was preparing to embark on board a vessel bound for the port of London. He became much enamoured of her, and brought her to England. While the ship lay at Gravesend, she robbed him of all the property she could get into her possession, and, pretending an indisposition, intimated a desire of going on shore, in which her admirer acquiesced; but she was no sooner on land, than she made a precipitate retreat.

She now travelled through several parts of the country, and by her usual wicked practices obtained many considerable sums. At length, she returned to London, but was not able to find her former accomplices.

She now frequented the Royal Exchange, the theatres, London Bridge, and other places of public resort, and committed innumerable depredations on the public. Being detected in picking a gentleman's pocket upon London Bridge, she was taken before a magistrate, to whom she declared that her name was Jane Webb; and by that appellation she was committed to Newgate. On

On her trial, a gentleman, who had detected her in the very act of picking the prosecutor's pocket, deposed, that a person had applied to him, offering 50*l.* on condition that he should not appear in support of the prosecution; and a lady swore, that on the day she committed the offence for which she stood indicted, she saw her pick the pockets of more than twenty different people. The record of her former conviction was not produced in court; and therefore she was arraigned for privately stealing, and on the clearest evidence the jury pronounced her guilty. The property being valued at less than one shilling, she was sentenced to transportation.

A twelvemonth had not elapsed before she returned from transportation a second time; and on her arrival in London she renewed her former practices.

A lady going from Sherborne Lane to Walbrooke was accosted by a man who took her hand, seemingly as if to assist her in crossing some planks that were placed over the channel for the convenience of passengers; but he squeezed her fingers with so much force, as to give her great pain, and in the mean time Mary picked her pocket of thirteen shillings and a penny. The gentlewoman, conscious of being robbed, seized the thief by the gown, and she was immediately conducted to the comptor. She was examined the next day by the lord mayor, who committed her to Newgate in order for trial.

At the ensuing sessions at the Old Bailey, she was tried on an indictment for privately stealing, and the jury brought in the verdict "guilty;" in consequence of which she received sentence of death.

After conviction, she seemed extremely to regret of the course of inquiry in which she had so long pursued, particularly attending pains in the execution, she went for the women who attended her child, then about three years old; and after informing her that there was a person who would pay for the infant's maintenance, earnestly intreated that it might be carefully instructed in the duties of religion, and guarded from all temptations to wickedness.

On the following morning, she appeared to be in a serene state of mind; but being brought into the prison-yard, where the executioner approached to put the halter about her, her countenance changed; however, in a short time her spirits were again tolerably composed.

She was conveyed to Tyburn in a mourning-coach, being attended by a clergyman, to whom she declared her firm belief in all the principles of the protestant religion.

At the place of execution, she employed a considerable time in fervent prayer. She suffered on the 18th of March, 1740; and her remains were, by her particular desire, interred in St. Pancras church-yard.

STOCKS.

A wooden machine to put the legs of offenders in, for securing disorderly persons, and by way of punishment in divers cases, ordained by statute; &c.

It contains holes enough for two or three offenders: these holes are of different sizes: the machine opens



The Stocks

1000

1000

1000

1000





STRANGLING

opens in the middle of them, and when the legs are in, it is locked down.

STOLEN GOODS. See RECEIVERS.

STRANGULATION.

Women, in all cases of treason, were heretofore sentenced to be burned; a cruel punishment, which after being alleviated by the custom of previous strangulation, was at length repealed by the act 30 Geo. III, cap. 48. See BURNING, BEHEADING, and CORD.

Strangulation is the mode of putting criminals to death in Turkey.

STREET-ROBBERS.

These are most accomplished villains who loiter in dark passages and rifle passengers whom they find alone and unarmed. They run away with women's cloaks, or make whatever other plunder opportunity offers. Street-robbers were formerly noted highwaymen, who committed similar depredations in the metropolis as on the road: of this, we shall give our readers three examples.

THOMAS TALBOT was the son of poor parents, who lived in Wapping, and who, having received a common education, engaged himself as the driver of a post-chaise, in the service of a stable-keeper in Piccadilly. While he was driving two gentlemen on the Bath road, a highwayman stopped the carriage, and robbed them of their watches and money; which circumstance gave him an idea of acquiring money by these illicit means. Wherefore, on his return to London, he made himself acquaint-

ed with some highwaymen, assuring them that he was properly qualified to give them the intelligence necessary for the successful management of their business.

His proposal met with a ready acceptance; and a company having soon afterwards hired a coach and six of his master to go to Bath, Talbot gave one of the highwaymen notice of the affair; and it was resolved that the robbery should be committed on Hounslow-heath.

The highwayman meeting the carriage on the appointed spot, robbed the parties of all they had; so that they were obliged to return to London for money before they could pursue their journey. Talbot's share of this ill-gotten booty amounted to fifty pounds, which gave him such spirits that he resolved to pursue the same iniquitous mode of living.

He now informed the other highwayman of company going to Bath, and whom his friend attempted to rob; but a gentleman in the carriage shot him dead on the spot.

Mortified at the death of his friend, Talbot soon arrived in London than he determined to resign his employment, and commence robber on his own account; but after several attempts and narrow escapes from the hands of justice, he grew sick of his employment, and requested his former master to retake him into his service. This he declined; but, in pity to his distress, recommended him to a nobleman, in whose family he was engaged.

Talbot had been but a short time in his new place, before he robbed the house of several articles of value, which he sold to the jews, to supply the extravagance of one of the maid servants with whom he had an amour.

This

This theft was not immediately discovered ; but the thief was soon discharged from his place, in consequence of his impertinence, which rendered him insupportable to his fellow-servants.

On his dismissal, he spent his ready money with the most abandoned company, commencing house-breaker, and committed a variety of depredations in the neighbourhood of London: for one of which he was apprehended, and brought to trial at the Old Bailey, but acquitted for want of evidence.

On the very evening of the day of his acquittal, he stopped a carriage in Drury Lane, and robbed a gentleman of his money. Within a week afterwards, he broke into a house in Westminster, where he obtained plate and cash to a large amount.

In a few days, he was taken into custody for picking a gentleman's pocket, brought to trial at the Old Bailey, sentenced to be transported for seven years, shipped to America, and sold to slavery.

He had not been long in this situation, when he embarked, at Boston in New England, on board a privateer; but when at sea, he entered into a conspiracy with some of the sailors to murder the officers and seize the vessel; however, the confederacy being discovered in time, a severe punishment was inflicted on Talbot and the other villains.

He had not, however, been long abroad before he returned, in company with an abandoned woman, who had been transported at the same time; and who introduced him to the acquaintance of Thomas Quin and Joseph Dodwell, natives of Dublin, and rogues from their infancy; in company with whom he committed a considerable number of robberies.

These accomplices robbed six coaches one evening, and obtained considerable plunder.

Having made a connexion with one Cullen, they all joined in a street-robbery, and stopping a coach near Long-Acre, took from a gentleman his watch and money.

Some people being informed of the daring transaction, immediately pursued them; and Cullen, being taken into custody, was admitted an evidence against his accomplices, who were apprehended on the following day.

Being brought to trial at the next sessions at the Old Bailey, they received sentence of death; but after conviction seemed quite insensible of the enormity of their crimes.

Talbot refused to join in devotion with the ordinary of Newgate at the place of execution. *Quin* and *Dodwell* were Roman Catholics. They suffered at Tyburn, on the 17th of June, 1751.

SWINDLERS. See SHARPER.

SWINDLERS, GAMING.

The following is the substance of the most striking parts of the evidence of John Shepherd, in an action, tried in the court of King's Bench, for gaming, Nov. 29, 1796.

"The witness saw hazard played at the gaming-house of the defendant, in Leicester-Street. Every person who was three times successful paid the defendant a silver medal, which he purchased from him on entering the house, at eight for a guinea, and he received six or seven of these in the course of an hour for the Box Hands, as it was called.

The

The people who frequented this house always played for a considerable sum. Sometimes 20l. or 30l depended on a single throw of the dice. The witness remembered being once at the defendant's gaming-house, about three or four o'clock in the morning, when a gentleman came in very much in liquor. He seemed to have a great deal of money about him. The defendant said he had not intended to play, but now he would set to with this fellow. He then scraped a little wax with his finger off one of the candles, and put the dice together, so that they came seven every way. After doing this, he dropped them into the box and threw them out, and afterwards drew all the money away, saying he had won it. Seven was the main, and he could not throw any thing but seven. The young gentleman said he had not given him time to bar. A dispute arose between the defendant and him: it was referred to two or three persons round the table; and they gave it in favour of the defendant. The gentleman said he had lost upwards of 70l. The defendant said, 'We have cleared him.' The witness has seen a man pawn his watch and ring in several instances; and once he saw a man pawn his coat and go away without it.

"After the gaming-table was broken by the Bow-Street Officers, the defendant said it was too good a thing to be given up, and instantly got another table, large enough for twenty or thirty people. The frequenters of this house used to play till day-light; and on one or two occasions they played all the next day. This is what the defendant called 'sticking to it rarely.' The guests were furnished with wine and suppers gratis, from the funds of the partnership, in abundance. Sunday was a grand day. The witness has seen more than forty

After conviction, she seemed sincerely to repent of the course of iniquity in which she had so long persisted, punctually attending prayers in the chapel, and employing great part of her time in private devotions. The day preceding that of her execution, she sent for the woman who nursed her child, then about three years old; and after informing her that there was a person who would pay for the infant's maintenance, earnestly intreated that it might be carefully instructed in the duties of religion, and guarded from all temptations to wickedness.

On the following morning, she appeared to be in a serene state of mind; but being brought into the press-yard, where the executioner approached to put the halter about her, her fortitude abated; however, in a short time her spirits were again tolerably composed.

She was conveyed to Tyburn in a mourning-coach, being attended by a clergyman, to whom she declared her firm belief in all the principles of the protestant religion.

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J. Chapman.
THE STOCKS





who are either unable or unwilling to sustain the expence of counsel to oppose the arguments and objections which will be offered in behalf of the prisoner; or are soured by loss of valuable time, experienced, perhaps, in former prosecutions; or ultimately from a dread entertained by timid persons, who foolishly and weakly consider themselves as taking away the life of a fellow-creature, merely because they prosecute or give evidence; not reflecting that it is the law only that can punish offenders, and not the individual prosecutor or witnesses.

False humanity, exercised in this manner, is always cruelty to the public, and not seldom to the prisoners themselves. All depredations upon property are public wrongs, in the suppression and punishment of which it is the duty of every good man to lend his assistance; a duty more particularly incumbent upon those who are the immediate sufferers; through their means only can public justice operate in punishing those miscreants by whom the innocent are put in fear, alarmed, and threatened with horrid imprecations, with loss of life by means of loaded pistols; or bodily injury, from being hacked with cutlasses or beaten with bludgeons, under circumstances where neither age nor sex is spared.

Yet experience has shewn that these arguments, powerful as they are, are insufficient to awaken in the mind of men that species of public spirit which shall induce sufferers in general, by robberies of different kinds, to become willing prosecutors, under the various trying delays of courts of justice; and frequently with the trouble of bringing a number of witnesses from the country, who are kept in attendance on the court perhaps several days together, at a very considerable expence. Such

Such a burden imposed upon the subject, in addition to the losses already sustained, in a case, too, where the offence is of a public nature, is certainly not easily reconcilable with that spirit of justice and attention to the rights of individuals which forms so strong a general feature in the jurisprudence of the country.

From all these circumstances, it happens that innumerable felonies are concealed, and the loss is suffered in silence, as the least of two evils; by which means, thieves are allowed to reign with impunity, undisturbed, and encouraged to persevere in their evil practices. *Ibid.*

THEFTS, DOMESTIC.

In countries where a trifling domestic theft or breach of trust is punished with death, is not the disproportioned punishment dangerous to society? is it not even an encouragement to larceny? If in this case a master prosecutes his servant, and the unhappy wretch suffer death, the whole neighbourhood holds the master in abhorrence: they perceive that the law is contrary to nature, and consequently that it is a bad law.

What is the result?—Masters, to avoid opprobrium, content themselves with discharging the thief, who afterwards steals from another, and gradually becomes familiar with dishonesty. The punishment being the same for a small theft as for a great one, he will naturally steal as much as he can, and at last will not scruple to turn assassin to prevent detection.

If, on the contrary, the punishment be proportioned to the crime, if those who are guilty of a breach of trust be condemned to labour for the public,

public, the master will not hesitate to bring the offender to justice, and the crime will be less frequent; so true it is, that rigorous laws are often productive of crimes. *Beccaria.*

THEFTS, PETTY.

The small thefts committed by persons not known to belong to the fraternity of thieves are estimated to amount to the enormous sum of seven hundred thousand pounds a year. This discovery was originally made through the medium of a considerable dealer in rags and old iron, of which the following are more ample details:

“ That there exists in this metropolis, and also in all the towns where his majesty’s dock-yards are established, a class of dealers, of late years become extremely numerous, who keep open shops for the purchase of rags, old iron, and other metals.

“ That these dealers are universally, almost without a single exception, the receivers of stolen goods of every denomination; from a nail, a skewer, a key, or a glass bottle, up to the most valuable article of portable household goods, merchandize, plate, or jewels, &c. &c.

“ That they are divided into two classes—wholesale and retail dealers. That the retail dealers are generally, with some exceptions, the immediate purchasers, in the first instance, from the pilferers or their agents; and as soon as they collect a sufficient quantity of iron, copper, brass, lead, tin, pewter, or other metals, worthy the notice of a large dealer, they dispose of the same for ready money; by which they are enabled to continue the trade.

“ That the increase of these old iron, rag, and
store,

store, shops has been astonishing within the last twenty years.

"That, as the least trifle is received, the vigilance of the parties from whom the articles are stolen is generally eluded; by the prevailing practice of taking only a small quantity of any article at a time.

"That the articles thus received are generally purchased at about one third of the real value, and seldom at more than half; glass bottles, in particular, are bought at one penny each, and no question asked: they are afterwards sold to dealers in this particular branch, who assort and wash them, and again re-sell them to inferior wine-dealers at nearly the full value. This has become of late an extensive line of trade.

"That further facilities are afforded by the dealers in old iron, in the collection of metals, rags, and other articles purloined and stolen in the country: which are conveyed to town by means of single-horse carts, kept by itinerant jews and other doubtful characters, who travel to Portsmouth, Chatham, Woolwich, Deptford, and places in the vicinity of London, for the purpose of purchasing metals from persons who are in the habit of embezzling the king's stores, or from dealers on the spot, who are the first receivers: from them, copper-bolts, nails, spikes, iron, brass, lead, pewter, and other ship-articles of considerable value are procured. These single-horse carts have increased greatly of late years, and have become very profitable to the proprietors.

"That some of these dealers in old metals notoriously keep men employed in knocking the broad arrow, or king's mark, out of the copper bolts, nails, and bar iron, whereon it is impressed, and

also in cutting such bar iron into portable lengths: after which, it is sold to the great dealers, who supply the public boards, and who are in some instances supposed by this means to sell the same article to these boards even two or three times over.

“ That the trade thus carried on is exceedingly productive both to the retail and wholesale dealers; many of whom are become extremely opulent, and carry on business to the extent of from ten to thirty, and in some few instances, fifty, thousand a year in old metals alone.

“ That the quantity of new nails taken from the public repositories and from private workshops, and disposed of at the old iron shops, exceeds all credibility.

“ And, finally, that the retail dealers in old iron, with some exceptions, are the principal purchasers of the pewter pots stolen from the publicans, which they instantly melt down, if not previously done, to elude detection.” *Colquhoun.*

TORTURE.

To torture, in order to extort confession, is not peculiar to Roman Catholic countries, but is even a custom in China. The instrument of barbarity called the rack is composed of a thick strong plank, having a contrivance at one end to secure the hands, and at the other a sort of double wooden vice. The vice is formed of three stout uprights, two of which are moveable, but steadied by a block that is fastened on each side. The ankles of the culprit being placed in the machine, a cord is passed round the uprights, and held fast by two men. The chief tormentor then gradually introduces a wedge into the intervals, alternately changing sides. The method

thod of forcing an expansion at the upper part causes the lower ends to draw towards the central upright, which is fixed unto the plank, and thereby compresses the ankles of the wretched sufferer ; who, provided he be fortified by innocence or resolution, endures the advances of the wedge, until his bones are completely reduced to a jelly. *Punishments of China.*

“ There was a negro whose name was Neptune, no slave, but his own master, and a carpenter by trade : he was young and handsome, but having killed the overseer of the estate of Altona, in the Para Creek, in consequence of some dispute, he justly forfeited his life. The particulars, however, are worth relating :

“ This man having stolen a sheep to entertain a favourite young woman, the overseer, who burned with jealousy, had determined to see him hanged, to prevent which, the negro shot him dead among the sugar canes. For these offences, of course, he was sentenced to be broken alive upon the rack, without the benefit of the *coup de grace*, or mercy-stroke. Informed of the dreadful sentence, he composedly laid himself down upon his back on a strong cross, on which, with his arms and legs extended, he was fastened by ropes. The executioner, also a black man, having now with a hatchet chopped off his left hand, next took up a heavy iron bar, with which, by repeated blows, he broke his bones to shivers, till the marrow, blood, and splinters, flew about the field ; but the prisoner never uttered a groan nor a sigh ! The ropes being next unlashed, I imagined him dead, and felt happy ; till the magistrates stirring to depart, he writhed himself from the cross, when he fell on the grass, and damned them all as a set of barbarous rascals. At the same

time, removing his right hand by the help of his teeth, he rested his head on part of the timber, and asked the by-standers for a pipe of tobacco, which was infamously answered by kicking and spitting on him, till I, with some American seamen, thought proper to prevent it. He then begged his head might be chopped off; but to no purpose. At last, seeing no end to his misery, he declared, "that though he had deserved death, he had not expected to die so many deaths; however (said he), you *christians* have missed your aim at last, and I now care not were I to remain thus one month longer." After which, he sung two extempore songs, with a clear voice; the subject of which were to bid adieu to his living friends, and to acquaint his deceased relations that in a very little time he should be with them, to enjoy their company for ever in a better place. This done, he calmly entered into conversation with some gentlemen concerning his trial, relating every particular with uncommon tranquillity. "But (said he, abruptly), by the sun it must be eight o'clock, and by any longer discourse I should be sorry to be the cause of your losing your breakfast." Then casting his eyes on a jew, whose name was De Verree, "Apropos, sir (said he); won't you please to pay me the ten shillings you owe me?" "For what to do?" "To buy meat and drink, to be sure—don't you perceive I am to be kept alive?" Which speech, on seeing the jew stare like a fool, this mangled wretch accompanied with a loud and hearty laugh. Next observing the soldier that stood centinel over him biting occasionally a piece of dry bread, he asked him how it came to pass that he, a *white man*, should have no meat to eat along with it? "Because I am not so rich, answered the

the soldier. "Then I will make you a present, sir (said the negro). First pick my hand that was chopped off, clean to the bones; next begin to devour my body till you are gluttoned; when you will have both bread and meat, as best becomes you:" which piece of humour was followed by a second laugh. And thus he continued until I left him, which was about three hours after the dreadful execution.

"Wonderful it is, indeed, that human nature should be able to endure so much torture! which assuredly could only be supported by a mixture of rage, contempt, pride, and the glory of braving his tormentors, from whom he was so soon to escape.

"I never recal to my remembrance without the most painful sensation this horrid scene, which must revolt the feelings of all who have one spark of humanity. If the reader, however, should be offended with my dwelling so long on this unpleasant subject, let it be some relief to his reflection to consider this punishment not inflicted as a wanton and unprovoked act of cruelty, but as the extreme severity of the Surinam laws on a desperate wretch, suffering, as an example to others, for complicated crimes; while, at the same time, it cannot but give me, and I hope many others, some consolation to reflect that the above barbarous mode of punishment was hitherto never put in practice in the British colonies. I must now relate an incident which, as it had a momentary effect on my imagination, might have had a lasting one on some who had not investigated the real cause of it, and which it gave me no small satisfaction to discover.

"About three in the afternoon, walking towards the place of execution, with my thoughts full of

the affecting scene, and the image of the sufferer fresh in my mind, the first object I saw was his head, at some distance, placed on a stake, *nodding* to me backwards and forwards, as if he had been really alive. I instantly stopt short, and seeing no person in the Savannah, nor a breath of wind sufficient to move a leaf or a feather, I acknowledge that I was rivetted to the ground, where I stood, without having the resolution of advancing one step for some time; till reflecting that I must be weak indeed not to approach this dead skull and find out the wonderful phenomenon if possible, I boldly walked up, and instantly discovered the natural cause, by the return of a vulture to the gallows, who perched upon it as if he meant to dispute with me this feast of carrion; which bird, having already picked out one of the eyes, had fled at my first approach, and striking the skull with his talons, as he took his sudden flight, occasioned the motion already described. I shall now only add, that this poor wretch, after living more than six hours, had been knocked on the head by the commiserating sentinel, the marks of whose musket were perfectly visible by a large open fracture in the skull." *Stedman's Account of Surinam.*

The torture of a criminal during the course of his trial is a cruelty consecrated by custom in most nations. It is used with an intent, either to make him confess his crime, or explain some contradictions into which he had been led during his examination, or discover his accomplices, or for some kind of metaphysical and incomprehensible purgation of infamy, or, finally, in order to discover other crimes, of which he is not accused, but of which he may be guilty.

No man can be judged a criminal until he be

found guilty; nor can society take from him the public protection until it have been proved that he has violated the conditions on which it was granted. What right, then, but that of power, can authorize the punishment of a citizen, so long as there remains any doubt of his guilt? This dilemma is frequent. Either he is guilty or not guilty. If guilty, he should only suffer the punishment ordained by the laws, and torture becomes useless, as his confession is unnecessary. If he be not guilty, you torture the innocent; for, in the eye of the law, every man is innocent whose crime has not been proved. Besides, it is confounding all relations to expect that a man should be both the accuser and accused; and that pain should be the test of truth, as if truth resided in the muscles and fibres of a wretch in torture. By this method, the robust will escape and the feeble be condemned. These are the inconveniences of this pretended test of truth, worthy only of a cannibal, and which the Romans, in many respects barbarous, and whose savage virtue has been too much admired, reserved for the slaves alone.

What is the political intention of punishments? — To terrify, and be an example to others. Is this intention answered by thus privately torturing the guilty and the innocent? It is doubtless of importance that no crime should remain unpunished; but it is useless to make a public example of the author of a crime hid in darkness. A crime already committed, and for which there can be no remedy, can only be punished by a political society with an intention that no hopes of impunity should induce others to commit the same. If it be true that the number of those who from fear or virtue respect the laws is greater than of those by whom they are violated,

lated, the risk of torturing an innocent person is greater, as there is a greater probability that, *cæteris paribus*, an individual hath observed than that he hath infringed the laws.

There is another ridiculous motive for torture, namely, to purge a man from infamy. Ought such an abuse to be tolerated in the eighteenth century? Can pain, which is a sensation, have any connection with a moral sentiment, a matter of opinion? Perhaps the rack may be considered as the refiner's furnace.

It is not difficult to trace this senseless law to its origin; for an absurdity adopted by a whole nation must have some affinity with other ideas established and respected by the same nation. This custom seems to be the offspring of religion, by which mankind, in all nations and in all ages, are so generally influenced. We are taught by our infallible church that those stains of sin contracted through human frailty, and which have not deserved the eternal anger of the Almighty, are to be purged away in another life by an incomprehensible fire. Now infamy is a stain, and if the punishments and fire of purgatory can take away all spiritual stains, why should not the pain of torture take away those of a civil nature? I imagine that the confession of a criminal, which in some tribunals is required as being essential to his condemnation, has a similar origin, and has been taken from the mysterious tribunal of penitence, where the confession of sins is a necessary part of the sacrament. Thus have men abused the unerring light of revelation; and, in the times of tractable ignorance, having no other, they naturally had recourse to it on every occasion, making the most remote and absurd applications. Moreover, infamy is a
sentiment.

sentiment regulated neither by the laws nor by reason, but entirely by opinion; but torture renders the victim infamous, and therefore cannot take infamy away.

Another intention of torture is to oblige the supposed criminal to reconcile the contradictions into which he may have fallen during his examination; as if the dread of punishment, the uncertainty of his fate, the solemnity of the court, the majesty of the judge, and the ignorance of the accused, were not abundantly sufficient to account for contradictions, which are so common to men even in a state of tranquillity, and which must necessarily be multiplied by the perturbation of the mind of a man entirely engaged in the thoughts of saving himself from imminent danger.

This infamous test of truth is a remaining monument of that ancient and savage legislation in which trials by fire, by boiling water, or the uncertainty of combats, were called *judgments of God*; as if the links of that eternal chain whose beginning is in the breast of the First Cause of all things could ever be disunited by the institutions of men. The only difference between torture and trials by fire and boiling water is, that the event of the first depends on the will of the accused, and of the second on a fact entirely physical and external; but this difference is apparent only, not real. A man on the rack, in the convulsions of torture, has it as little in his power to declare the truth as, in former times, to prevent, without fraud, the effects of fire or boiling water.

Every act of the will is invariably in proportion to the force of the impression on our senses. The impression of pain, then, may increase to such a degree, that, occupying the mind entirely, it will compel

compel the sufferer to use the shortest method of freeing himself from torment. His answer, therefore, will be an effect as necessary as that of fire or boiling water, and he will accuse himself of crimes of which he is innocent; so that the very means employed to distinguish the innocent from the guilty will most effectually destroy all difference between them.

It would be superfluous to confirm these reflections by examples of innocent persons who, from the agony of torture, have confessed themselves guilty; innumerable instances may be found in all nations and in every age. How amazing that mankind have always neglected to draw the natural conclusion! Lives there a man who, if he has carried his thoughts ever so little beyond the necessities of life, when he reflects on such cruelty, is not tempted to fly from society, and return to his natural state of independence?

The result of torture, then, is a matter of calculation, and depends on the constitution, which differs in every individual, and is in proportion to his strength and sensibility; so that to discover truth by this method is a problem which may be better resolved by a mathematician than a judge, and may be thus stated.—The force of the muscles and the sensibility of the nerves of an innocent person being given, it is required to find the degree of pain necessary to make him confess himself guilty of a given crime.

The examination of the accused is intended to find out the truth; but if this be discovered with so much difficulty in the air, gesture, and countenance of a man at ease, how can it appear in a countenance distorted by the convulsions of torture? Every violent action destroys those small alterations

alterations in the features which sometimes disclose the sentiments of the heart.

These truths were known to the Roman legislators, amongst whom, slaves only, who were not considered as citizens, were tortured. They are known to the English, a nation in which the progress of science, superiority in commerce, riches, and power, its natural consequences, together with the numerous examples of virtue and courage, leave no doubt of the excellence of its laws. They have been acknowledged in Sweden, where torture has been abolished. They are known to one of the wisest monarchs in Europe, who, having seated philosophy on the throne, by his beneficent legislation has made his subjects free, though dependent on the laws; the only freedom that reasonable men can desire in the present state of things. In short, torture has not been thought necessary in the laws of armies, composed chiefly of the dregs of mankind, where its use should seem most necessary. Strange phenomenon! that a set of men, hardened by slaughter and familiar with blood, should teach humanity to the sons of peace.

A very strange but necessary consequence of the use of torture is, that the case of the innocent is worse than that of the guilty. With regard to the first, either he confesses the crime which he has not committed, and is condemned, or he is acquitted; and has suffered a punishment he did not deserve. On the contrary, the person who is really guilty has the most favourable side of the question; for if he supports the torture with firmness and resolution, he is acquitted, and has gained, having exchanged a greater punishment for a less.

The law by which torture is authorized says—
“Men, be insensible to pain. Nature has indeed given

given you an irresistible self-love, and an unalienable right of self-preservation; but I create in you a contrary sentiment; an heroic hatred of yourselves. I command you to accuse yourselves, and to declare the truth, amidst the tearing of your flesh and the dislocation of your bones."

Torture is used to discover whether the criminal be guilty of other crimes besides those of which he is accused, which is equivalent to the following reasoning:—"Thou art guilty of one crime, therefore it is possible that thou mayest have committed a thousand others; but the affair being doubtful, I must try it by my criterion of truth. The laws order thee to be tormented because thou art guilty, because thou mayest be guilty, and because I choose thou shouldst be guilty."

Torture is used to make the criminal discover his accomplices; but if it has been demonstrated that it is not a proper means of discovering truth, how can it serve to discover the accomplices, which is one of the truths required? Will not the man who accuses himself yet more readily accuse others? Besides, is it just to torment one man for the crime of another? May not the accomplices be found out by the examination of the witnesses, or of the criminal? from the evidence, or from the nature of the crime itself? in short, by all the means that have been used to prove the guilt of the prisoner? The accomplices commonly fly when their comrade is taken. *Beccaria*.

All mankind being exposed to the attempts of violence or perfidy, detest the crimes of which they may possibly be the victims: all desire that the principal offender and his accomplices may be punished; nevertheless, there is a natural compassion in the human heart, which makes all men detest the

the cruelty of torturing the accused, in order to extort confession. The law has not condemned them, and yet, though uncertain of their crime, you inflict a punishment more horrible than that which they are to suffer when their guilt is confirmed. "Possibly thou mayest be innocent; but I will torture thee that I may be satisfied: not that I intend to make thee any recompence for the thousand deaths which I have made thee suffer, in lieu of that which is preparing for thee." Who does not shudder at the idea? St. Augustin opposed such cruelty. The Romans tortured their slaves only; and Quintilian, recollecting that they were men, reproved the Romans for such want of humanity.

If there were but one nation in the world which had abolished the use of torture—if in that nation crimes were no more frequent than in others—and if that nation be more enlightened and more flourishing since the abolition—its example, surely, were sufficient for the rest of the world. England alone might instruct all other nations in this particular; but England is not the only nation. Torture hath been abolished in other countries, and with success: the question, therefore, is decided. Shall not a people who pique themselves on their politeness pride themselves also on their humanity? Shall they obstinately persist in their inhumanity, merely because it is an ancient custom? Reserve, at least, such cruelty for the punishment of those hardened wretches who shall have assassinated the father of a family or the father of his country; but that a young person who commits a fault which leaves no traces behind it should suffer equally with a parricide, is not this a useless piece of barbarity? *Voltaire.*

tion of this offence was settled as it originally
by the act of the 25th of Edward III, stat. 5
2, and may be divided into seven different he

1. Compassing or imagining the death
king, queen, or heir apparent.
2. Levying war against the king in his rea
3. Adhering to the king's enemies, and
them aid, in the realm or elsewhere.*

4. S

* It has been thought necessary by the l
ture to explain and enlarge these clauses of t
25 Ed. III, as not extending, with sufficient
citness, to modern treasonable attempts. It is
fore provided by the act 36 Geo. III, c
“ That if any person (during the life of his
majesty, and until the end of the session of
ment next after a demise of the crown) shall,
in the realm or without, compass, imagine,
devise, or intend, death or destruction, or a
dily harm tending to death or destruction, m
wounding, imprisonment or restraint, of the
of the king, his heirs and successors, or to c

4. Slaying the king's chancellor or judge in the execution of their offices.

5. Violating the queen, the eldest daughter of the king, or the wife of the heir apparent, or eldest son.

6. Counterfeiting the king's great seal or privy seal.

7. Counterfeiting the king's money, or bringing false money into the kingdom.

This detail shews how much the dignity and security of the king's person is confounded with that of his officers, and even with his effigies imprest on his coin. To assassinate the servant or to counterfeit the type is held as criminal as to destroy the sovereign.

This indiscriminate blending of crimes, so different and disproportionate in their nature, under one common head, is certainly liable to great objections, seeing that the judgment in this offence is so extremely severe and terrible; viz. "That the offender be drawn to the gallows on the ground or pavement; that he be hanged by the neck, and then cut down alive; that his entrails be taken out and burned while he is yet alive; that his head be cut off; that his body be divided into four parts; and that his head and quarters be at the king's disposal. *Colquhoun.*

ROBERT

or to incite any foreigner to invade the dominions of the crown; and such compassings, &c. shall express, utter, or declare, by publishing any printing or writing, or by any other overt act or deed"—the offender shall be deemed a traitor, and punished accordingly. *Colquhoun.*

ROBERT WATT, who suffered for high treason at Edinburgh, was born in the shire of Kincardine, and was, at the time of his execution, about thirty-six years old. He was the natural son of a Mr. Barclay, a gentleman of fortune and respectability; but, like other children of illegitimate parentage, he was brought up and educated under the name of his mother. He was, at about ten years of age, sent to Perth, where he received a very good education. Being sixteen, he engaged himself with a lawyer at Perth; but being of a religious disposition, he was disgusted at this profession, and soon withdrew from the desk of his master. Soon after, he went to Edinburgh, and engaged as a clerk in a paper warehouse, where he lived happily and respectably for some years: his only complaint was, a deficiency of salary.

Having a desire to share in the profits as well as the toils of the business, he wrote to his father, and prevailed upon him to assist him with some money, to enable him to procure a partnership with his master. He then made proposals to the above purpose; these were, however, rejected by his employer. Being provided with money, he entered into the wine and spirit trade. His success in business continued very promising, until he was almost ruined by the commencement of the war. At this period, his acquaintance with the Friends of the People commenced.

Having been arraigned with David Downie of high treason, his trial came on at Edinburgh, Sept. 3, 1794.

Mr. Knapp, clerk of arraigns, proceeded to call the jury, several of whom, in consequence of the peremptory challenge which the English law affords, the prisoner objected to. At last, a jury
of

of twelve citizens were sworn in and impaneled.

Mr. Knapp recapitulated to the jury the heads of the indictment, particularizing the different overt acts of treason of which the prisoner Watt was accused.

Mr. Wm. Dundas, in a short speech, opened the cause for the crown; which, he observed, the recapitulation of the indictment enabled him to do almost in a single sentence.

Mr. Anstruther followed, and in a strain of calm dispassionate eloquence laid before the jury the doctrine of treason.

"The present conspiracy (he said) was not that of a few inconsiderable individuals; it had risen, indeed, from small beginnings, from meetings for pretended reforms. It had been fostered by seditious correspondence, the distribution of libellous writings, and had, at last, risen to a height which, but for the vigilance of administration, might have deluged the country, from one end to the other, with blood.

By the evidence for the crown, it was proved, that the prisoner had been particularly active in the conspiracy.

Mr. W. Erskine, junior counsel for the prisoner, said he would rest his defence upon the correspondence carried on between the Right Hon. Henry Dundas, the lord advocate, and the prisoner; by which it would appear that he had attended the meetings of the Friends of the People with no other view than a design to give information of their proceedings.

Mr. Hamilton contended that he was a spy for government; and it was well known that a spy was obliged to assume not only the appearance of those

whose secrets he meant to reveal, but even to take part in their proceedings, in order to prevent a discovery.

The lord president, after clearly defining the laws of treason, summed up the evidence, narrating and explaining the various parts with much candour; leaving it entirely to the jury to return such a verdict as their judgment should direct.

The jury withdrew about half past five o'clock in the morning; and, in about five minutes, returned with a verdict—Guilty.

The trial lasted nearly twenty-two hours.

The jury were upwards of forty minutes considering the case of Downie: the majority agreeing among themselves that he was guilty, they reconciled themselves to this verdict at last, by unanimously consenting to recommend him to mercy; which they did in a very strong manner.

Shortly after, the following awful sentence of the court was passed upon these unfortunate men:

“ Robert Watt and David Downie, you have been found guilty of high treason by your peers. The sentence of the court is, therefore, that you be taken to the place from whence you came; from thence you shall be drawn on a sledge to the place of execution, on Wednesday, the 15th of October, there to hang by your necks till you are both dead; your bowels to be taken out and cast in your faces; and each of your bodies to be cut in four quarters, to be at the disposal of his majesty:—and the Lord have mercy on your souls!”

The unfortunate prisoners received the dreadful sentence with much firmness and composure, and were immediately conducted to the castle.

Robert Watt was ordered for execution, but a respite came for David Downie. As soon as it was intimated

intimated to Downie, he started as from a dream, and exclaimed—" *Glory to God, and thanks to the King for his goodness! I will pray for him as long as I live.*" After which, tears of gratitude flowed. He was transported for life.

About half past one o'clock on the 15th of October, the two junior magistrates, with white rods in their hands, white gloves, &c. the Rev. Principal Baird, and a number of constables, attended by the town officers, and the city guard lining the streets, walked in procession from the council-chamber to the east end of Castle-Hill, when a message was sent to the sheriffs in the Castle, that they were there waiting to receive the prisoner. The prisoner was immediately placed in a hurdle with his back to the horse, and the executioner, with a large axe in his hand, took his seat opposite to him, at the further end of the hurdle.

When they had reached the Tolbooth door, the prisoner was taken from the hurdle, and conducted into the prison, where a considerable time was spent in devotional exercise. The prisoner then came out upon the platform, attended by the magistrates, sheriffs, Principal Baird, &c.

Never was any execution conducted with more solemnity and order. The procession advanced with slow step, and the prisoner exhibited a most melancholy spectacle. He held a bible in his hand; his eyes remained in a fixed posture, upwards, and he was not observed to make one movement or cast a single glance upon the multitude. He was much emaciated, and his countenance so pale, that, while on his way to the place of execution, he appeared almost lifeless; but when he came upon the platform he seemed to be somewhat revived, and behaved himself during the awful solemnity with due resig-

resignation and humble fortitude. Some time was then spent in prayer and singing psalms: after which, the prisoner mounted the drop-board, and was launched into eternity.

When the body was taken down, it was stretched upon a table, and the executioner, with two blows of the axe, severed off the head, which was received into a basket, and then held up to the multitude, while the executioner called aloud, "There is the head of a traitor; and so perish all traitors." The body and head were then placed in a coffin, and removed.

During this awful execution, the surrounding multitude betrayed no other emotions than what are common on similar occasions. The town-guard, attended by the constables, lined the streets.

We shall here shjoin some account of the family, &c. of the two Messrs. Sheares, who were executed in Dublin for high treason.

Their grandfather was a gentleman of an independent landed property, of about eight hundred pounds per annum; who resided in Cork, and had three sons, Henry, Thomas, and David. The eldest, the father of the two unhappy criminals, was educated at Trinity College, Dublin, without being intended for any particular profession. The second was designed for the church, and had good views of promotion in that line from his father's intimate friend and neighbour, Dr. Jennet Browne, then Bishop of Cork and Ross; but being a lad of very sprightly parts, he thought the profession too serious for him, and requested of his father, who was very indulgent to his children, "to let his brother David *thump the cushion*, and give him a commission in the army." It was so settled. Thomas got a commission, and served with

with reputation in what is called "The seven years' war;" but marrying a Spanish lady whilst he was in Minorca, he retired upon half-pay at the peace of 1763, and died soon after, without children.

David took orders, and was perfectly qualified for that profession, being a young man of good understanding and great propriety of manners; he, however, died early, of a consumption, without being married.

Henry, after his father's death, settled in Cork, and soon after married a Miss Bottesworth, a near relation of the late and present Earl of Shannon. She was a lady of very high accomplishments, and the union was formed on both sides on the purest principles of affection. Though a man of fortune, Mr. Sheares was not a mere idler; he combined to a good education a most excellent taste, and hence amused himself with writing many occasional pieces, which were all well received by the public. Some years after his marriage, through the interest of Lord Shannon he obtained a seat in the Irish parliament, where he so distinguished himself as a speaker, that he soon obtained a pension on that establishment of 200*l.* per annum. He soon after joined a Dr. Rogers and Mr. Travers, both gentlemen of very good landed property, in the banking business, in Cork; in which they succeeded very well, and in which he continued till his death, which happened about the year 1773. He had two sons, Henry and John Sheares, of whose intended education he had rather a particular idea. His plan was, and which he pursued, just to instruct them in the elementary principles of reading and writing, without going any further, or making any designation of their future professions himself, till such time

time as he could find out the natural tendencies of their minds. This refinement of education, though well intended by the parent, was one of the errors of speculation. He did not sufficiently consider that young minds are alive to the impressions that surround them; and if the earliest care be not taken to instil into them the principles of religion and the uses of literature, their rising passions have generally a stronger turn to sloth, ignorance, sensuality, &c. This was pretty nearly the case with the two Sheares. Permitted, in a great degree, to do as they liked, they preferred the indulgencies of the kitchen and the company of servants to the example of their father's conduct and the conversation of his drawing-room: they mixed with the lowest boys in the school, who flattered their rank and situation. Hence, they got forward and decisive in their opinions, negligent in their dress, and contemptuous of that regimen which other boys in their style of life were obliged to pursue. When they were between eight and ten years of age, the father saw his error, and instantly set about reforming it. He altered his plan entirely, by having the best masters in all branches of science to attend them in the house, under his own eyes, narrowly inspected what company they kept, and at a proper age sent them to the university, where, being lads of good natural parts, they acquired a considerable degree of reputation.

The father intended both for the bar; but dying before that plan could be put into execution, the elder, after finishing his studies in the college, entered into the army, where he served some time in the rank of lieutenant; but selling out on the peace of 1782, he entered himself as a student in one of the English Inns of Court, and followed the profession

session of the law in conjunction with his brother John.

The talents of both brothers were respectable: Henry had a good share of knowledge, but was not so successful in bringing it forward as John; who being a younger brother, perhaps, might have exerted himself with greater assiduity. However it was, John was considered as a very rising barrister, who had every thing to expect from his profession, had he pursued it with a proper respect for his character. From their childhood, both brothers were attached to each other, as well from similarity of sentiments as natural connection. They lived in the same house together, mixed in the same parties, and as their politics, from boys, were strongly of a republican cast, their conversation and their occasional publications partook of this spirit.

To minds so prepared, the French revolution was too great a political æra to pass by without their participation. They embarked for France in 1792, and in Paris found a fatal hot-bed for their principles; perhaps, what before this was the ebullition of liberty, which time and a more extensive acquaintance with the nature of men and governments might either moderate or totally subdue, now caught the scorching flames of licentiousness. They immediately became acquainted with Brissot, Robespierre, and the *patriotic butchers* of that day; who not only instilled into them the principles of their diabolical art, but flattered them with being the restorers of their country's freedom. Hence they acquired all the arcana and mysteries of clubs, fraternization, affiliation, &c so that before they left Paris, they publicly spoke of the revolution of Ireland as a thing not only possible, but very easy to be effected. Indeed they were so imprudent in
this

this particular, that they got several hints from their instructors and partisans, not to be so premature in their declarations.

Possessed with these principles, they returned to Ireland, and immediately set about their mission with all the zeal of the most violent reformers. They formed clubs in several parts of the kingdom, employed agents to sound the army and yeomanry, and were indefatigable themselves, by their writings in those papers which were favourable to their party, to spread the seeds of rebellion around. Government had timely notice of their proceedings, which soon became so little disguised, that they fell victims as much to their own imprudence as guilt. Their papers were seized, which breathed nothing but the most unequivocal proofs of rebellion, whilst their repeated overt acts confirmed in a great degree the doctrine of their publications. Their trial took place at Dublin, July 12, and ended the next morning. The indictment contained two principal counts: viz. compassing the king's death and adhering to his enemies, supported by seventeen overt acts. Messrs. Ponsonby, Plunkett, and M'Nally, opened the prisoners' cases separately, and Mr. Curran occupied three hours, with his usual animation and ability, in speaking to evidence. He was replied to by the prime serjeant: after which, Lord Carleton charged the jury, laying down the law of high treason according to the best legal authorities in England and the uniform practice of the courts. The jury were not retired above twenty minutes, when they returned a verdict of Guilty.

The unfortunate brothers, during their trial, preserved a manly fortitude, taking notes, and instructing their counsel, with the utmost composure; but

but when the verdict Guilty was pronounced, all their fortitude forsook them: their cries, whilst embracing each other, expressed the bitterness of their grief; the spectators, forgetting for a moment the enormity of their crimes, sympathized in the sufferings of the unhappy delinquents.

It was remarked that Lord Carleton, in passing sentence on these two unfortunate young men, was so much affected, he could scarcely proceed. No wonder the feelings of this worthy judge should be so agitated! he had been the townsman and early friend and acquaintance of their father, and lived with him in the most familiar habits of intimacy. He owed to his enlightened conversation, perhaps, some of his habits of thinking; and the recollection of such scenes, with the awful contrast which stood before him, must be heart-rending indeed!

On the ensuing Saturday, the sheriffs attended the prison, to carry the sentence into execution; but waited a considerable time for an answer to an application made to government for a short respite, and promising, as reported, ample confessions. The sheriffs went to the Castle, in order to know the pleasure of government; but returned with an answer, founded upon the advice of the privy council, that no respite could be permitted. Again, however, at their entreaty, the sheriffs returned to pray a respite for Henry, and an otherwise unconditional promise of ample confession. To this, government is said to have replied, that they had full knowledge of every thing which could come out in confession, and that the law must take its course. The prisoners seemed to be much agitated, Henry in particular. John, however, collected, and declared to the persons round him, that, in his political pursuit, *reform*, and not indiscriminate mas-

sacre, had been his desire. In answer to a question from the sheriffs, they said they would not confess any thing. The executioner then proceeded to affix the ropes. In tying the knot upon John, he pressed it rather tightly; upon which he turned about angrily, and said, "You rascal, have you a mind to strangle me?" but suddenly recollecting himself, he seemed to take no further notice. They were then conducted from the inner part of the gaol to the platform outside. The ropes were adjusted in the pullies, and the board being withdrawn, they were instantly suspended. *Editor.*

High treason is an offence committed against the security of the commonwealth, or of the king, its representative. It is considered as parricide, and therefore ought not to be extended to offences which bear no analogy to that crime. In making it high treason to commit a theft in any house belonging to the state, or even to speak seditious words, you lessen the horror which the crime of high treason ought to inspire.

In our ideas of great crimes there should be nothing arbitrary. If a theft from, or imprecation against, a father be considered as parricide, you break the bond of filial piety: the son will then regard his parent as a terrible monster. Every exaggeration in a law tends to its destruction.

In common crimes, the laws of England are favourable to the accused; but in cases of high treason they are against him. The jesuit Titus Oates being legally interrogated in the house of commons, and having, upon his oath, declared that he had related the *whole* truth, yet afterwards accused the secretary of the Duke of York, and several others, of high treason, and his information was admitted. He likewise swore before the king's council, that he

he had not seen the secretary, and afterwards that he had. Notwithstanding these illegalities and contradictions, the secretary was executed.

The same Titus Oates and another witness deposed, that fifty jesuits had conspired to assassinate Charles II, and that they had seen commissions, signed by Father Oliva, general of the jesuits, for the officers that were to command an army of rebels. This evidence was sufficient to authorize the tearing out the hearts of several people, and dashing them in their faces. But, seriously, can two witnesses be thought sufficient to convict a man whom they have a mind to destroy? At least, one would imagine they ought not to be notorious villains; neither ought that which they depose to be improbable.

Let us suppose that two of the most upright magistrates in the kingdom were to accuse a man of having conspired with the mufti to circumcise the whole council of state, the parliament, the archbishop, and the sorbonne. In vain these two magistrates might swear that they had seen the letters of the mufti; it would naturally be supposed that they were wrong in their heads: it was equally ridiculous to imagine that the general of the jesuits should raise an army in England as that the mufti intended to circumcise the court of France. But, unhappily, Titus Oates was believed, that there might remain no species of atrocious folly which hath not entered into the heart of man.

The laws of England do not consider as guilty of conspiracy those who are privy to it, and do not inform: they suppose the informer as infamous as the conspirator is culpable. In France, if any one be privy to a conspiracy, and does not reveal it, he is punished with death. Lewis XI, against whom

spiracies were frequent, made this law ; a law which a Lewis XII or a Henry IV could never have imagined. It not only obliges an honest man to divulge a crime which, by his resolution and advice, he might possibly prevent, but it renders him liable to be punished as a calumniator, it being easy for the accused to manage their affairs in such a manner as to elude conviction.

This was exactly the case of the truly respectable Augustin de Thou, counsellor of state, and son of the only good historian of which France can boast, equal to Guiccardini in point of abilities, and perhaps superior in point of impartiality.

This conspiracy was against Cardinal de Richelieu, rather than against Lewis XIII. The design was not to betray France to any enemy ; for the king's brother, who was the principal author of the plot, could never intend to betray a kingdom to which he was the presumptive heir, there being only between him and the crown a dying brother and two children in the cradle.

De Thou was neither guilty in the sight of God nor man. One of the agents of the king's brother, of the Duke de Bouillon, sovereign Prince of Sedan, and of the grand equerry d'Effiat St. Mars, had communicated their intention to De Thou, who immediately went to St. Mars, and endeavoured to dissuade him from the enterprise. If he had informed against him, he had no proof, and must inevitably have fallen a sacrifice to the resentment of the presumptive heir, of a sovereign prince, of the king's favourite, and to public execration. In short, he would have been punished as a malignant calumniator.

The chancellor Seguier was convinced of this in confronting De Thou with the grand equerry ; when

when De Thou asked the latter the following question : " Do you not remember, Sir, that there never passed a day in which I did not endeavour to dissuade you from the attempt ?"—St. Mars acknowledged it to be true ; so that De Thou deserved a recompence, rather than death, from a tribunal of equity. He certainly deserved to have been saved by Cardinal Richelieu ; but humanity was not his virtue. There is in this case something more than " *Summum jus, summa injuria.*" In the sentence of this worthy man, we read, " for having had knowledge and participation of the said conspiracy." It does not say—for not having revealed :—so that his crime was his having been informed of a crime ; and he was punished for having had ears and eyes.

All that we can say in extenuation of this severity is, that it was not the act of justice herself, but of a delegated power. The letter of the law was positive ; but I appeal, not only to the lawyers, but to all mankind, whether the spirit of the law was not perverted ? It is a melancholy absurdity, that a small number of people should condemn as criminal a man judged innocent by a whole nation, and worthy their esteem ! *Voltaire.*

TREASON, PETTY.

This is described by the statute of the 25th of Edward the Third to be the offence of a servant killing his master, a wife killing her husband, or a secular or religious slaying his prelate. The punishment is somewhat more ignominious than in other capital offences, inasmuch as a hurdle is used instead of a cart. Here again occurs a very strong instance of the inequality of punishments ; for al-

though the principle and essence of this crime is breach of duty and obedience due to a superior slain, yet if a child murder his parents, unless he serve them for wages, he is not within the statute; although it must seem evident to the meanest understanding that parricide is certainly a more atrocious and aggravated offence than either of those specified in the statute. *Colquhoun.*

TRIALS.

There are five inferior courts of justice, where small offences, committed in London and it's vicinity, are tried by justices of the peace: viz.

1. The general and quarter sessions of the peace, held eight times a year, by the lord mayor and aldermen, at Guildhall, for the trial of small offences committed in London.
2. The quarter sessions of the peace, held four times a year at Guildhall, Westminster, by the justices acting for that city and liberty, for the trial of small offences committed in Westminster only.
3. The general and quarter sessions of the peace, held eight times a year, at the New Sessions House on Clerkenwell-Green (commonly called Hicks's Hall), by the justices only of the county of Middlesex, for the trial of small offences committed in Middlesex and Westminster.
4. The general quarter sessions of the peace, held in the Sessions-House in Well-Close-Square, by the justices for the liberty of the Tower of London, for the trial of small offences committed within the Royalty.
5. The quarter sessions of the peace, held by the justices for the county of Surry, at the New Sessions-House at Newington, Surry, in January; at Reigate;

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Reigate, in April; at Guildford, in July; and Kingston-upon-Thames, in October; each year; where small offences committed in Southwark and the neighbourhood are tried.

These five inferior courts of justice take cognizance of petty larcenies, frauds, assaults, misdemeanors, and other offences punishable by fine, imprisonment, whipping, and the pillory; and in certain cases the power of the justices extends to transportation.

The higher and more atrocious offences committed in London and Middlesex are tried at the Justice-Hall in the Old Bailey, by a special commission of oyer and terminer to the lord mayor and a certain number of the judges, with the recorder and common serjeant of the city of London.

Offences of this latter degree of atrocity, perpetrated in that part of the metropolis which is situated in the borough of Southwark and county of Surry, are tried at the assizes, held twice a year at Kingston-upon Thames, Croydon, or Guildford.

Thus it appears that five inferior and two superior tribunals of justice are established for trying the different crimes committed in the metropolis.

Considerable inconvenience arises, and, indeed, great hardship, where prisoners are innocent, from the length of time which must elapse, where offences have been committed in Southwark, before they can be brought to trial; either for inferior or more atrocious crimes. In the former case, prisoners must remain till the quarter sessions (there being no intermediate general sessions of the peace); and in the latter case till the assizes, held only twice a year: this occasions a confinement, previous to trial, lengthened out, in some instances, to three, four, five, and even nearly to six, months. *Ibid.*

TYBURN.

TYBURN-TICKET.

This is a certificate which may be assigned once, exempting the person who receives it, or his immediate assignee, from all offices within the parish or ward where the felony was committed. In some parishes, it will sell from 25l. to 30l. in others, it is not worth above 15l. to 18l. according to local situation. *Ibid.*

VAGRANTS. See ROGUES.

WATCH-HOUSES.

Watch-houses are now placed at convenient distances all over the metropolis, where a parochial constable attends, in rotation, every night, to receive disorderly and criminal persons, and to carry them before a magistrate next morning. In each watch-house also, in case of fire, the names of the turn-cocks, and the places where engines are kept, are to be found. This circumstance is mentioned for the information of strangers unacquainted with the police of the metropolis: to whom it is recommended, in case of fire, or any accident or disturbance requiring the assistance of the civil power, to apply immediately to the officer of the night, at the nearest watch-house, or to the watchmen on the beat. *Ibid.*

WATCHMEN.

The encouragement being in many instances so small, few candidates appear for such situations who are really, in point of character and age, fit for the duty which ought to be performed; the managers have therefore no alternative but to accept of such aged, and often superannuated, men,
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living in their respective districts, as may offer their services: this they are frequently induced to do from motives of humanity, to assist old inhabitants who are unable to labour at any mechanical employment, or, perhaps, with a view to keep them out of the workhouse, and to save the expence of maintaining them.

Thus circumstanced and thus encouraged, what can be expected from such watchmen?—

Aged in general, often feeble, and almost, on every occasion, half starved, from the limited allowance they receive—without any claim upon the public, or the least hope of reward held out, even if they perform any meritorious service, by the detection of thieves and receivers of stolen goods, or idle and disorderly persons—and, above all, making so many separate parts of an immense system, without any general superintendence, disjointed from the nature of it's organization, it is only a matter of wonder that the protection afforded is what it really is. Not only is there small encouragement offered for the purpose of insuring fidelity, but, as has been already shewn, innumerable temptations are held out to dishonesty, by receivers of stolen goods, to the watchmen and patrols in their vicinity; as well as by thieves and housebreakers in all situations where they contemplate the commission of a burglary,

Money is also received from disorderly persons in the night, to permit them to escape from the just punishment of the laws; while, on the other hand, unfortunate females are often cruelly oppressed and laid under contribution for permission to infringe the very laws which it is the duty of these nocturnal guardians of the police to put in execution. *Colquhoun.*

WATER-

WATERMEN, GAME,

So denominated from the circumstance of their having been known to hang upon West India ships, under discharge, for the whole of the day, in readiness to receive and instantly convey on shore bags of sugar, coffee, and other articles, pillaged by the lumpers and others in the progress of the delivery of the cargo, by which they acquired a considerable booty; as they generally on such occasions were employed to dispose of the stolen articles, under pretence of their being a part of the private adventures of the crew, for which service they usually pocketed one moiety of the price obtained. It was by such assistance that mates, boatswains, carpenters, seamen, and ship boys, have been seduced, and even taught to become plunderers and thieves, who would otherwise have remained honest and faithful to the trust reposed in them. Many of the watermen of this class were accustomed to live in a style of expence by no means warranted, from the fair earnings of honest industry in the line of their profession. An instance has been known of an apprentice lad in this line having kept both a mistress and a riding horse out of the profits of his delinquency.

There is also another class, called Game Lightermen, composed of the working, or journeymen, lightermen, who navigate the craft which convey West India produce and other merchandize from the ships to the quays, arc, with some exceptions, extremely loose in their morals, and are ever ready to forward depredations by the purchase or concealment of articles of considerable value, until an opportunity offers of conveying the property on shore. Many of these lightermen, previous to the establishment

ment of the marine police, were in the constant habit of concealing, in the lockers of their lighters, sugar, coffee, pimento, ginger, &c. which they received from mates, and other persons on board of West India ships. These lockers are generally secured by a padlock: they are calculated to hold and conceal considerable quantities of goods, whether stolen or smuggled, which were seldom taken out until after the discharge of the lighter, unless in certain instances, where skiffs attended them. When completely unladen, the practice has been to remove to the road where empty craft usually lies a-breast of the Custom-House quay, and then to carry away the stolen or smuggled articles; and it has not seldom happened that many of these lightermen have, under pretence of watching their own lighters while lading at the quays, or in connivance with the watchmen selected by themselves, actually plundered the goods under their charge to a very considerable amount, without detection.

Nor does it appear that the nefarious practices of these lightermen have been confined to West Indian produce alone. Their criminal designs were directed to almost every species of merchandize placed under their charge; and the tricks and devices to which they were accustomed to resort clearly evinced that their plans for obtaining pillage had long been systematized, and that they seldom permitted any opportunity whereby they could profit, by making free with property under their charge, to escape their attention. *Ibid.*

WEIGHTS AND MEASURES, FALSE.

Nothing requires the assistance of the legislature in a greater degree than this evil, to shield the poor

poor against the numerous tricks thus practised upon them by low and inferior shop-keepers and itinerants.

The ancient system of regulating this useful branch of police by the juries of the court-leet having been found ineffectual, and in many respects inapplicable to the present state of society, an act passed the 35th of his present majesty, cap. 102, to remedy the inconvenience with regard to fraudulent weights; but difficulties having occurred on account of the expence of carrying it into execution, certain amendments were made by another act, 37 Geo. III, c. 143; and the magistrates in petty sessions have now power to appoint examiners of weights, and to authorize them to visit shops, seize false weights, &c.

This plan, if pursued as steadily as that which already prevails in regulating bakers, promises to produce very valuable benefits to the lower ranks of people at a very small expence, *Ibid.*

WITNESSES, CREDIBILITY OF.

To determine exactly the credibility of a witness and the force of evidence is an important point in every good legislation. Every man of common sense, that is, every one whose ideas have some connection with each other, and whose sensations are conformable to those of other men, may be a witness; but the credibility of his evidence will be in proportion as he is interested in declaring or concealing the truth. Hence it appears how frivolous is the reasoning of those who reject the testimony of women, on account of their weakness; how puerile it is not to admit the evidence of those
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who are under sentence of death, because they are dead in law; and how irrational to exclude persons branded with infamy; for in all these cases they ought to be credited, when they have no interest in giving false testimony.

The credibility of a witness, then, should only diminish in proportion to the hatred, friendship, or connections, subsisting between him and the delinquent. One witness is not sufficient; for whilst the accused denies what the other affirms, truth remains suspended, and the right that every one has to be believed innocent turns the balance in his favour.

The credibility of a witness is the less as the atrociousness of the crime is greater, from the improbability of it's having been committed; as in cases of witchcraft and acts of wanton cruelty. The writers on penal laws have adopted a contrary principle: viz. that the credibility of a witness is greater as the crime is more atrocious. Behold their inhuman maxim, dictated by the most cruel imbecility:—"In atrocissimis, leviores conjecturæ sufficiunt, et licet judici jura transgredi." Let us translate this sentence, that mankind may see one of the many unreasonable principles to which they are ignorantly subject.—"In the most atrocious crimes, the slightest conjectures are sufficient, and the judge is allowed to exceed the limits of the law." The absurd practices of legislators are often the effect of timidity, which is a principal source of the contradictions of mankind. The legislators (or rather lawyers, whose opinions when alive were interested and venal, but which after their death become of decisive authority, and are the sovereign arbiters of the lives and fortunes of men), terrified by the condemnation of some innocent person, have burdened the law with pompous and useless forma-

lities, the scrupulous observance of which will place anarchical impunity on the throne of justice; at other times, perplexed by atrocious crimes of difficult proof, they imagined themselves under a necessity of superseding the very formalities established by themselves; and thus, at one time with despotic impatience, and at another with feminine timidity, they transform their solemn judgments into a game of hazard.

But to return.—In the case of witchcraft, it is much more probable that a number of men should be deceived than that any person should exercise a power which God hath refused to every created being. In like manner, in cases of wanton cruelty, the presumption is always against the accuser; for no man is cruel without some interest, without some motive of fear or hate. There are no spontaneous or superfluous sentiments in the heart of man; they are all the result of impressions on the senses.

The credibility of a witness may also be diminished by his being a member of a private society, whose customs and principles of conduct are either not known or are different from those of the public. Such a man has not only his own passions, but those of the society of which he is a member.

Finally, the credibility of a witness is null when the question relates to the words of a criminal; for the tone of voice, the gesture, all that precedes, accompanies, and follows, the different ideas which men annex to the same words may so alter and modify a man's discourse, that it is almost impossible to repeat them precisely in the manner in which they were spoken. Besides, violent and uncommon actions, such as real crimes, leave a trace in the multitude of circumstances that attend them, and
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their effects; but words remain only in the memory of the hearers, who are commonly negligent or prejudiced. It is infinitely easier then to found an accusation on the words than on the actions of a man; for in these, the number of circumstances urged against the accused afford him variety of means of justification. *Beccaria*.

WHEEL.

The punishment of the wheel was first introduced in Germany in the times of anarchy, when those who usurped the regal power resolved to terrify, with unheard of torments, those who should dispute their authority. *Voltaire*. See TORTURE.

WHIPPING, AMONG THE ANTIENT JEWS.

This punishment was not to exceed forty stripes, and therefore the whip, with which it was to be inflicted, being made of three thongs, and each blow giving three stripes, they never laid on any criminal more than thirteen blows; because thirteen of those blows made thirty nine stripes, and to add *another blow* would have been a transgression of the law, by adding two stripes over and above forty. *Pri-draux's Connections*.

WOMEN, DISORDERLY, HOW PUNISHED IN CHINA.

The punishment inflicted upon disorderly women in China is effected by placing small pieces of wood betwixt their fingers, and then drawing them very forcibly together with cords.

There are no people existing who pay so sacred an attention to the laws of decency as the Chinese. Habituated in preserving the constant appearance of modesty and self-control, nothing is more uncommon amongst them than deleterious examples of unblushing vice; and if there be truth in the old maxim, that want of decency, either in action or in word, betrays a deficiency of understanding, they certainly indicate more sense than some other nations, who affect to excel them in education and refinement. The general manners of people of every condition in China wear as modest a habit as their persons. They discover no gratification in wresting their proper language into impure meanings; and grossly offensive phrases are only to be heard amongst the very dregs of the community, and at the risk of immediate and severe judicial correction. *Punishments of China.*

WOOD, BLOCK OF, A PUNISHMENT IN CHINA.

For certain offences, the Chinese fasten a man to a large block of wood, by passing a strong ring of iron through one corner of it. From this ring, a weighty chain is continued round the neck of the man, and fastened, by a padlock, upon his breast. *Ibid.*

WOODEN CAGE, IN CHINA.

A malefactor is farther secured by a chain from his neck to his ankle, from whence another chain proceeds, round one of the corner posts of his wooden cage, the entrance to which is through two moveable bars: these bars are fastened by an iron bolt, that passes through some staples, and is prevented

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THE COLLAR

vented from sliding by a padlock. A plank serves the prisoner for a seat and for a bed. *Ibid.*

WOODEN COLLAR, IN CHINA.

This punishment is deemed very disgraceful. The collar is formed of heavy pieces of wood, closed together, and having a hole in the centre which fits the neck of the offender, who, when this machine is upon him, can neither see his own feet nor put his hands to his mouth. He is not permitted to reside in any habitation, nor even to take rest for any considerable length of time, an inferior officer of justice constantly attending to prevent him. By night and by day, he carries this collar, which is rendered heavier or lighter, according to the nature of the crime and the strength of the offender. The weight of the common sort of these wooden collars is only fifty or sixty pounds, but there are those which weigh two hundred, and which are so grievous to the bearers, that sometimes, through shame, pain, want of proper nourishment or of natural rest, they have been known to expire under them. The criminals find various methods, however, of mitigating their punishment, by walking in company with their relations and friends, who support the corners of the collar, and prevent it from pressing upon the shoulders; by resting it upon a table, a bench, or against a tree; or by having a chair constructed for the purpose, with four posts of equal height, to support the machine. When this ponderous incumbrance is fixed upon an offender, it is always before the magistrate who has decreed it; and upon each side, over the places where the wood is joined, long slips of paper are pasted, upon which the name of the

person, the crime which he has committed, and the duration of his punishment, are written, in very distinct characters; a seal is likewise stamped upon the paper, to prevent the instrument from being opened. Three months is the usual time appointed for those to bear about this collar who have been convicted of robbery; for defamation, gambling, or breaches of the peace, it is carried a few weeks; and insolvent debtors are sometimes ordered to bear it till they have satisfied their creditors.

When the offender is liberated from the collar, it must be in the presence of the magistrate who imposed it. He then generally orders him a few blows of the pan-tsee, and dismisses him, with an exhortation to comport himself more regularly in future.

Persons in this situation are supplied with food by a particular kind of basins and spoons. *Ibid.*

WOODEN TUBE, IN CHINA.

A piece of bamboo cane is provided, which nearly corresponds with the height of the criminal, and is of considerable circumference. This bamboo being perfectly hollow, admits the passage of a large iron chain, one end of which is rivetted round a stake, the other encircles his neck, and is confined there by a padlock: his legs are fettered by a few links of chain. *Ibid.*

WRITS.

According to the prevailing system, if a debt exceeds 40s. the action may be brought in a superior court; where, if contested, or defended, the expence, at the lowest computation, must be upwards of fifty pounds. Prudent men, under such circum-

circumstances, will forego a just claim upon another, or make up a false one upon themselves, as by far the least of two evils, in all cases where they come in contact with designing and bad people; and hence it is, that the worthless part of mankind, availing themselves in civil, as others do in criminal, cases of the imperfections of the law, forge these defects into a rod of oppression, either to defraud the honest part of the community of a just right, or to create fraudulent demands where no right attaches; merely because those miscreants know that an action at law, even for 20l. cannot either be prosecuted or defended, without sinking three times the amount in law expences, besides the loss of time, which is still more valuable to men in business.

To convince the reader that this observation is not hazarded on weak grounds, and that the evil is so great as to cry aloud for a remedy, it is only necessary to state, that in the county of Middlesex alone, in the year 1793, the number of bailable writs and executions, for debts from ten to twenty pounds, amounted to no less than five thousand seven hundred and nineteen, and the aggregate amount of the debts sued for was the sum of 81,791l.

It will scarcely be credited, although it is most unquestionably true, that the mere costs of these actions, although made up, and not defended at all, would amount to 68,728l.—and if defended, the aggregate expence to recover 81,791l. must be—strange and incredible as it may appear, no less than 285,950l. being considerably more than three times the amount of the debts sued for!

The mind is lost in astonishment at the contemplation of a circumstance marking, in so strong a degree,

degree, the deficiency of this important branch of the jurisprudence of the country.

Through this new medium, we discover one of the many causes of the increase of crimes. And hence that caution which men in business are compelled to exercise, especially in the metropolis, to avoid transactions with those who are supposed to be devoid of principle.

Whenever the laws cannot be promptly executed, at an expence that will not restrain the worthy and useful part of the community from the following up their just rights, bad men will multiply. The morals of the people will become more and more corrupted, and the best interests of the state will be endangered.

In a political as well as in a moral point of view, it is an evil that should not be suffered to exist; especially when it can be demonstrated that a remedy may be applied, without affecting the pecuniary interest of the more reputable part of the profession of the law, while it would unquestionably produce a more general diffusion of emolument.

Humanity, justice, and policy, plead for an improvement of the system; more particularly when it is recollected that between six and seven thousand unfortunate persons are arrested annually on mesne process in Middlesex alone, one half of whom are for debts under twenty pounds. In the kingdom at large, the number is not less than forty thousand for trifling debts in the course of a year! The unavoidable expence, therefore, at the lowest computation, is a most grievous burden, which, on many occasions, sends both the plaintiff and defendant to a gaol for the attorney's bills, to the total ruin of themselves, and often to the destruction of their families.

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The evil, in this view, is exceedingly prominent : it involves in it consequences which trench upon the best interests of the country. The mischief increases, unperceived by the people at large, and remedies are not applied ; because few men will subject themselves to investigations of great labour, without which facts are not to be obtained ; and without facts it is impossible to reason with accuracy, or to draw just conclusions upon any subject.

It will be found upon inquiry, that the miseries of a gaol, by which the inferior orders of the people are often punished, do not so frequently attach to the worthless and profligate part of the community as to those who have been useful members of the state. Like the adroit thief, encouraged to proceed by many escapes, knaves are seldom victims to the severity of the law ; the innocent, and often the industrious, unskilled in the tricks and artifices which bad men pursue to rid themselves of incumbrances, for which there is abundant resource in the chicane of the law, are generally the sufferers.

Colquhoun.

THE END.

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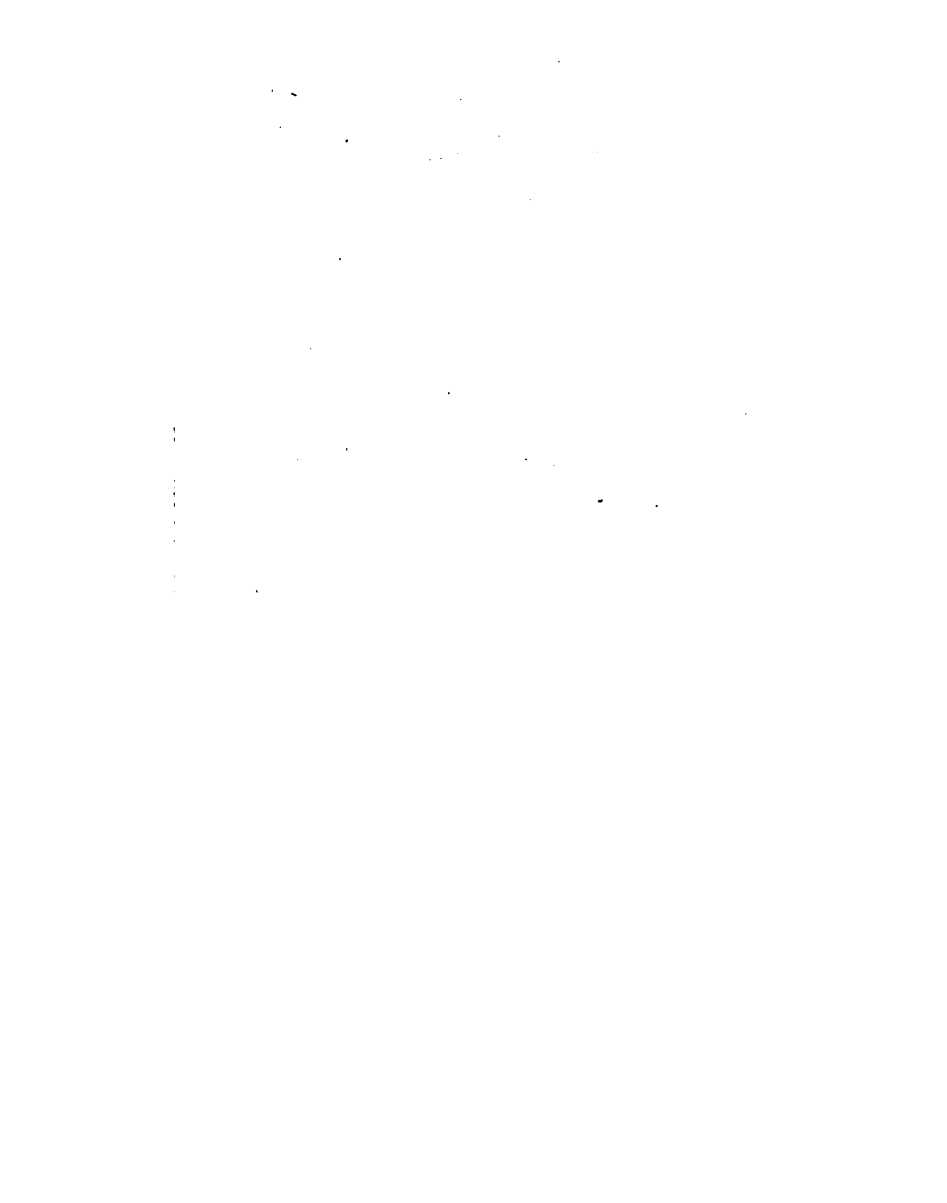
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